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AN
ESSAY
ON
SEPARATE AND CONGREGATE SYSTEMS
OF
PRISON DISCIPLINE;
BEING
4306
A REPORT

MADE TO
THE BOSTON PRISON DISCIPLINE SOCIETY,

BY
S. G. HOWE.

BOSTON:
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P R E F A C E.

THE following pamphlet was written under peculiar circumstances, which should be understood by those who may have the patience to read it. They will then be ready to make due allowance for its want of artistic arrangement, and for some of the other imperfections. They will see that my own course of conduct with regard to the Prison Discipline Society has not been guided by any feeling of hostility toward it, or any sentiment inconsistent with kindness to its Secretary. They will find, moreover, what they never have been able to find in the Reports of our Boston Prison Discipline Society, a discussion of the merits and advantages of the Pennsylvania system of Prison Discipline.

I have been a member of the Boston Society during many years. For a long time I supposed that perfect reliance could be placed upon the statements and opinions put forth in its Reports ; consequently, I was a believer in the great superiority of the Auburn system of Prison Discipline. But several causes led me to doubt whether I was following a sure guide. The spirit of our Reports was so partial, the praises of the Auburn system were so warm, and the censure of the Pennsylvania prisons was so severe, that one could not help suspecting the existence of violent party feeling. It seemed most extraordinary that so many wise and good men in a sister State should uphold a system of which not one word of praise could ever be found in our Reports. A personal inspection of the principal prisons in the United States, and reflection upon the subject, afterwards convinced me that very little reliance could be placed upon those Reports, either for facts or doctrines.

My attention being once called to the subject, its vast importance soon became apparent. The number of human beings yearly committed to prison in civilized countries is so vast that its statement would appear incredible to any but legal gentlemen. Thousands of these are very young ; thousands are women ; tens and hundreds of thousands are arrested, for the first time, by the hand of justice, in their career of crime, and their temporal and spiritual welfare must depend very much upon whether that justice is tempered with mercy and guided by wisdom, or meted out in the spirit which demands an eye for an eye and a tooth for a tooth. In many Christian and civilized communities, even of our own country, the prison is the first and only school provided by government which thousands of its hapless subjects ever enter ; how important, then, is the question, whether it is a school of virtue or a school of vice !

When a government seizes upon a person, especially if he be young, and deprives him of all liberty of action, it assumes at once the offices, and incurs the responsibilities, of a parent and guardian. How fearful, then, is the thought, that many governments do, in fact, administer their trust in such wise as would condemn an individual parent to infamy ! The dungeon, the fetter, and the scaffold are their common awards, and their tender mercy is only to prolong the bodily existence of their victims, by herding them together in loathsome dens, where is engendered an atmosphere of crime and depravity which extinguishes the life of the soul ; and all this without any view to the good of the prisoner.

In those countries where the citizens have no part or lot in the government, they may wash their hands of this wrong ; but here, where we boast that our rulers are our servants, and their acts the expression of our will, how shall we answer for the treatment of our fallen brothers ? for, even here, many prisons are moral pest-houses, and the best are conducted mainly with a view to getting the greatest amount of work out of the convicts. There is not a prison in this wide land where any thing like sufficient provision is made for the moral and religious instruction and training of those whom the law forcibly holds under its guardianship. There is not a prison where their capacities for improvement and reformation are duly cultivated ; not one where wrong is not done to their spiritual natures. I became convinced of this by observation and reflection, notwithstanding the flattering unction administered to

our Society by its Secretary, that in the Auburn prison, which he recommended as a model, every thing was done which could with propriety be done for the prisoner.

Finding that the system and the prisons which our Reports so warmly advocated and highly lauded fell far short of what the prisoner needed and had a right to demand, I examined those which it so unsparingly denounced, and could not resist the conclusion, that they were more sound in principle and more humane in practice. I wished to induce others to examine the subject; but the bitter partisan spirit in which the Reports of our Society were written forbade the hope of seeing upon its pages (and there was no other publication of the kind in New England) any arguments or any facts which went to show the superiority of the Pennsylvania over the Auburn system, or which would even show the former to be worthy of any consideration.

I conscientiously believed that those Reports were upholding the worst system, thereby standing in the way of improvement, and working evil to the cause of Prison Reform. I was then a member of the Massachusetts legislature, and when the bill came up, in 1843, for making the usual grant for the purchase and distribution of the Annual Reports of our Society, I used all the influence I could exert to oppose it. The bill did not pass. This was construed into an act of hostility, on my part, to the Society; but, in truth, I did not love the Society less,—I only loved the good of the prisoner more; my sole motive was to prevent the spread of error. I did not wish the broad seal of the State to be used to give currency to false doctrines. I did not wish to vote away the public money to be used for carrying on a pamphlet war upon what I began to think was the best system of Prison Discipline then in operation.

I afterwards strove in various ways to awaken some interest in the subject, and to bring the merits of the Pennsylvania system before the public. At that time I had no personal acquaintance with a single individual connected with the government of the Pennsylvania prisons, but I knew them to be gentlemen high in the opinion of their community, and I thought that they and their labors had been misrepresented in our Reports. I thought that the course which our Society had been led by the Secretary to adopt was uncourteous and unjust, and I so expressed myself to him repeatedly. Still the same conduct was pursued, and, previously to the last an-

nual meeting, the Secretary went about charging the Directors of the Eastern Penitentiary of Pennsylvania with wilful misrepresentation. At the annual meeting, in May, 1845, this charge was publicly and solemnly brought before a thronged audience, with the aggravating addition, that the wilful misrepresentation was made for the purpose of upholding a system of cruelty. If this charge came not immediately from the Secretary, it was not denied that it was made at his instance, and in reliance upon his representations. The gentleman who made it is neither unkind nor uncourteous.

After an animated discussion, a resolution was offered for the appointment of a committee, "with instructions to inquire whether any modifications of the Secretary's Report were necessary, previous to its publication ; and that the same committee be authorized in the name of the Society to request permission to examine the Philadelphia and other prisons, and to incorporate a report of their proceedings in the Annual Report of this Society." The resolution was adopted by the Society, and a committee appointed, of which I was chairman. The object of the resolution was not only to bring the whole subject before the Society, but also to pass in review the Reports of the Secretary, to examine their partisan character, and their unfairness to the Pennsylvania system ; and in performing their duty, the committee could not avoid a sort of verdict upon his official conduct. Nevertheless, to my surprise, he was not only placed upon the committee, but persisted in attending its deliberations, and by his vote made the Report which I drew up a minority report.

That Report was written in the spirit of independent criticism, and therefore seemed very severe ; it treated the Reports of our Society precisely as though they had been the Reports of a society in some distant part of the world ; it did not question the motives of our Secretary, but it did review his official conduct, make question of his judgment, criticize his statements, and disprove his conclusions. The majority of the committee, consisting of Mr. Dwight, the Secretary, Mr. Eliot, the Treasurer, and Messrs. Bigelow and Channing, not only disapproved the draught of the Report, but pronounced it unjust to the Secretary and suicidal to the Society. I was willing to have every line of that Report submitted to the severest scrutiny ; I still maintain that it was just and true in every particular ; nevertheless, as I wished to have a Re-

port in which the majority of the committee would agree, I consented to prepare a new one, and to confine myself as much as possible to the general merits of the great questions at issue.

When the second draught of a Report was submitted to the committee, it found but little more favor at the hands of the majority than the first had. It was in vain that we of the minority urged that we alone should be held responsible for its statements, and requested that it might be published. A counter Report had been prepared by Dr. Channing, and approved by the majority, and it was maintained that a minority report had no legal existence.

We would gladly have had both Reports spread upon the pages of the Society's Journal, but the Secretary insisted that there was no authority to do this;—that the words of the resolution (by which the committee was created), "to *incorporate* the result of their proceedings with the Annual Report of the Society," did not mean to *print* with the Annual Report.

I had very good reason to suppose that such was the meaning, having prepared the resolution myself, but was overruled. The year passed away without our being able to procure the publication of our Report, and at last the whole matter came before the Society at a business meeting in May, 1846, and it was

"*Voted*, that the Reports of the majority and minority of the committee be referred to the Board of Managers, with directions to cause them to be printed as soon as the *funds* necessary for the purpose are placed at their disposal."

At the business meeting of the Society, May 25, 1846, Mr. Sumner offered the following resolution:—

"*Voted*, that the Reports of the committees appointed at the last annual meeting, now on file, be taken from the file, and incorporated with the Annual Report of the Society, in pursuance of the vote of the Society under which the committee acted."

This was sustained by only one vote besides that of the mover, and was negatived, 8 to 2.

Thus it was determined that our statements and opinions favorable to the Pennsylvania system should not have the advantage of appearing in the Annual Report, which teemed with those adverse to it.

Moreover, I was forced to conclude that the vote to print our Report whenever the necessary funds were procured was equivalent to a decision not to print at all, because the income of the

Society is large, because there is money enough to print much matter about lunatic asylums and other subjects foreign to the strict business of the Society, and because, whenever the Secretary appeals to the Society for any favorite measure of his own, the money is always forthcoming.

I was further confirmed in the opinion, that it was not desired to give publicity to any opinions adverse to those of the Secretary, by the extraordinary course pursued by that officer at the late annual meeting. All the attempts of my friends and myself to obtain a fair hearing for the merits of the Pennsylvania system through the pages of our Journal having been defeated by action and by inaction, it was supposed we might make ourselves heard at the public anniversary meeting. On the day before the anniversary, therefore, the Society, at its business meeting, consisting of *ten* persons only, upon motion of Mr. Nathaniel Willis,

Voted, that it was not expedient to discuss the subject at the anniversary meeting.

Notwithstanding this vote, Mr. Sumner obtained the floor at the annual meeting, and proceeded to speak, when the Secretary tried to stop him, and cried out, "Mr. President, the annual meeting was interrupted in this manner last year; there are gentlemen present who are invited by the Committee of Arrangements to address us —" * But here he was silenced by Dr. Wayland, the presiding officer, who maintained Mr. Sumner's right to the floor. He proceeded to show how the Reports of the Society had lost the confidence of the friends of Prison Discipline abroad by their partisan character, and urged the Society to come back to its proper ground of neutrality, and to admit free discussions of all systems.

Nevertheless, the anniversary passed over, and no vote was taken to explain or apologize for the rudeness to the Directors of the Eastern Penitentiary of Pennsylvania; and no resolution was adopted for admitting full discussion upon the pages of the Society's publications. Mr. Charles Sumner did, indeed, succeed in procuring the appointment of a new committee with precisely the same powers and objects as that of the last year; — that is, a committee

* The editor of the "Law Reporter," commenting upon this remarkable fragment of a speech, says it would seem that the addresses at the public meetings of this Society are all cut and dried beforehand, a fact that might as well have been kept back, under the circumstances, for the credit of all concerned. — *Law Reporter*, July, 1846, p. 98.

was appointed in May, 1846, to do what the committee of 1845 had not done acceptably. The composition of this committee is remarkable in several respects.

First, parliamentary usage required that Mr. Charles Sumner, who moved the resolution, should be chairman ; but, instead of that, Mr. Bradford Sumner, one of the warmest of the Secretary's party, was put at the head of the committee.

Next, parliamentary usage required that a majority of the committee should be composed of persons known to be favorable to the object of the resolution ; but, instead of that, the majority were known to be unfavorable.

Further, not only parliamentary usage, but common impartiality, indicated that the Secretary, whose official management was called in question, should not be on the committee ; but nevertheless he was placed there.*

It appeared to me, that, after such inaction and one-sided action, I was justified in concluding that those who managed the Society would never allow the merits of the Pennsylvania system to be set forth upon the pages of its Reports. It seemed that I was mistaken in supposing that the Society ought not to be the pledged advocate of any system, but should set forth all that was good in each one ; for it had been pledged by a formal vote to uphold the Auburn system ; it had opened the pages of its Reports to all that could be said against the Pennsylvania system ; and it had virtually refused to print my Report, which contained what could be said in favor of that system. Therefore, believing that Report to contain many truths which would be new and useful to the Society, Messrs. Charles Sumner, Horace Mann, and myself, resolved to print it ourselves.

I accordingly applied to the Secretary for the manuscript ; when, to my utter astonishment, I was told, in a written communication, that I should not have it.

This extraordinary refusal to print the document, or to let us print it, placed us in an unpleasant dilemma ; I had no copy of it, — and the only alternative seemed to be, to give up the thought of publishing it, or to bring an action at law for the recovery of what I considered to be my property. After several attempts to over-

* I have not the slightest suspicion of any intentional unfairness on the part of the President, who made the appointments.

come the difficulty, it was decided to let me have a *copy* of my own manuscript.

I then learned the reason of the refusal to give up the original, and, even if I were not sustained by the high character of Messrs. Mann [and Sumner, who were associated with me, I should not hesitate to make it public. It was the fear and belief avowed by the Secretary, that we should remove the objectionable parts of the manuscript, and then print it as the document which the Society refused to print; thus attempting to throw odium upon the Society by a mean and dastardly trick. I did not for a moment feel that any disgrace attached to me from being so suspected; I hope none may ever attach to me from unjustly suspecting others.

Having at last got possession of *a copy* of my manuscript, I caused it to be printed, and it would have been published before, had it not been for the absence of the Secretary from the country. He is about to return, and can take what notice of it he sees fit.

As my Report was never accepted by the Managers of the Society, and as my manuscript was not in such a state as to go to press without careful revision, I was perhaps not obliged to print from it *literatim*.

That manuscript was hastily written, amid other cares and duties. I expected, of course, to revise and correct it as it went through the press. I should have materially altered many forms of expression. I should have tried to condense, simplify, and improve its style; every man who writes a report under such circumstances has a right so to do.

But, in view of the peculiar circumstances of the case, I have chosen to forego those advantages. The copy of my original manuscript which the Secretary sent to me was badly made, but the printers have followed it except where a slight change was necessary for making the sense clear. The form of a few expressions has been modified, and two or three immaterial sentences have been added for greater perspicuity.

The only material alteration has been the omission of a sentence or two respecting the Secretary, and the final resolution which was proposed; they expressed what was my conscientious belief at the time they were written; their existence in the original certainly could have formed no objection to its publication. In all other respects, what follows is in form and substance the document which I wrote in discharge of a duty imposed by the Society.

It will be seen that the Report does not assume that the prisons of Pennsylvania are perfect, or that they are even the best in the world ; it merely compares the two great systems now before the country, usually known as the Auburn System and the Pennsylvania System, and shows the vast superiority of the latter.

If the hope (humbly entertained), that it may in some way promote the improvement of prisons and the good of prisoners, should be gratified, my object will be fully obtained.

For obvious reasons, I wished it to appear where it would have been in place, in the Annual Report of the Society ; but since that cannot be, I offer it to the friends of Prison Discipline with all its imperfections on its head. I would fain give to it all the favor which it may deserve, by stating that my colleagues, Messrs. Horace Mann and Charles Sumner, who examined the subject carefully, did and do still concur with the doctrines and statements which it contains.

S. G. HOWE.

R E P O R T .

To the Members of the Prison Discipline Society.

GENTLEMEN : —

It will be remembered that at the last annual meeting the Secretary offered, as usual, a manuscript to be adopted as the Report of the Society, and read from it certain extracts.

Such was the tenor of these extracts, that a public discussion ensued, in which the Pennsylvania system of prison discipline was denounced as an *inhuman* system supported by *misrepresentation*. Some gentlemen protested against the severity of the denunciation ; upon which, the last Report of the Eastern Penitentiary at Philadelphia was produced, and appealed to as a proof that the Directors of that prison had intentionally misrepresented facts to support their system. Subsequently to this unpleasant scene, the following resolution was adopted : —

“ *Resolved*, That the manuscript [of the Secretary] be committed to a committee, with instructions to inquire whether any modification of the same be necessary previous to its publication ; and that the committee be authorized, in the name of the Society, to request permission to examine the Philadelphia and other prisons, and to incorporate a report of their proceedings in the Annual Report of the Society.” *

* The committee consisted of S. G. Howe, S. A. Eliot, Charles Sumner, Horace Mann, Walter Channing, Louis Dwight, the Secretary of the Society, and G. T. Bigelow, by whom the charge was made, all of Bos-

The committee so appointed, after having had the subject many months under consideration, report as follows.

In pursuance of the Resolution, they *first* examined the manuscript Report submitted by the Secretary. *Second*, they endeavoured to ascertain whether there was any ground for the grave charge against the Directors of the Eastern Penitentiary of Pennsylvania. In making these inquiries, and in considering the proper modifications of the Report of the Secretary, they were led, in the *third* place, to a review of the course of the Society, and to endeavour to set forth some of the considerations suggested by their visit to the Eastern Penitentiary of Pennsylvania, and by other researches, in favor of the system which has been the subject of such severe animadversion.

I. In fulfilment of the *first* part of the duty, we have read the manuscript of the Secretary, and suggested such modification of its language as would diminish the asperity of its remarks respecting the Philadelphia prison, without, however, interposing so far as to assume any responsibility for the statements or opinions, because that, after all, must rest upon the Secretary.

II. With regard to the *second* part of our labors,—the examination of the charge of intentional misrepresentation on the part of the Directors of the Eastern Penitentiary,—we hesitate not to say that it arose from misapprehension, and is groundless. We believe those persons to be disinterested and honorable gentlemen, and worthy fellow-laborers of the worthiest men who have ever labored for the common cause of prison discipline in New England.

It is, indeed, to be regretted that their last Annual Report contained some loose and unexplained statements; and it is not surprising that persons who had not read their Report of 1844, and did not understand how their tables of remittals are made up, should have been perplexed and misled by reading them. But it is equally to be regretted that

ton, and Judge Edmonds of New York, who, however, has never acted with the committee.

a more charitable spirit did not pervade the criticisms so publicly made, and that those who intended to bring the charge of misrepresentation had not first written to Philadelphia for an explanation.

The charge, as we said, arose from a misunderstanding ; the existence of which shows how important it is that those who write or speak publicly about prison discipline should be familiar with all that is published upon the subject in all languages. It appears that a charge of falsification of the record respecting *recommittals*, similar to the one made at our annual meeting, was brought against the Report of the Eastern Penitentiary of Pennsylvania, in the *Revue de Législation*, published in Paris, in March, 1844 ; but it was immediately and satisfactorily refuted by M. Moreau Christophe, Inspector-General of Prisons in France. He gave precisely the same explanation which occurred to us, and the same which the Directors of the Penitentiary gave to us when we applied to them. His impartiality, and his familiarity with the different modes of calculating recommittals, enabled him at once to see the truth.*

It is not our duty or wish to explain or defend the Report in question, any farther than to show that the charge of falsehood brought against the authors of it is groundless. But, from whatever motive the charge was made, your committee are sure that the Society will be ready to do all in its power to atone for any wrong which may have been done to the character of the Directors of the Eastern Penitentiary by any proceeding at its annual meeting. It owes this not only to those gentlemen, but to its own self-respect and sense of justice.†

* Beaumont and De Tocqueville, in their great work on the prisons of this country, show that they could not have so misunderstood the Philadelphia Report. They say (page 72), — “ In general, those recommittals only, which bring back the prisoner to the prison where he was first confined, are calculated in the United States.”

† The charge above alluded to was brought at the public annual meeting of the Society, in Park Street Church, before a vast audience. It

III. This leads us to the *third* and most extensive part of our labors ; namely, the inquiries with regard to the alleged *inhumanity* of the Pennsylvania system, opening, as it does, a review of the course of our Society with regard to it.

In pursuance of the resolution under which the Committee was appointed, four of them visited the Eastern Penitentiary of Pennsylvania in October last, and two others have since inspected it. We were received with a hearty welcome, and treated with great kindness and hospitality. Every part of the prison was thrown open to us ; and we were permitted, and even invited, to go into the cells and talk alone with the prisoners. The books were offered for our inspection, and every question respecting committals, statistics of health, insanity, expense, &c., was answered promptly and satisfactorily.

We found the prison in good order, and the prisoners' rooms, we can hardly call them cells, neat and comfortable. It is known that each convict is kept in a room by himself, during the whole time of his imprisonment. These rooms, which are plastered and neatly whitewashed, are warmed by tubes containing hot water, and well lighted by a window. Each one is provided with a neat water-closet, with a bed that turns up against the wall, a chair and table, and the loom, shoe-bench, or tools required by the handicraft at which the prisoner works. Some prisoners add a shelf or two for books, a looking-glass, and other little articles of furniture which increase their comfort ; and the women, in the arrangement of their rooms, show the

was such as to affect not only the official, but the personal, character of gentlemen who at home are justly regarded as among the most virtuous philanthropists of the country. They have labored for years, without remuneration, for the improvement of prisons ; and it must have been grievous to their friends to hear them accused of wilful *misrepresentation* for the purpose of upholding an *inhuman system*. The charge was deliberately made, and reiterated ; and we regret to say that another annual meeting of our Society has passed over without any retraction or apology having been offered.

rudiments of that taste which, when fully developed, adorns and beautifies the world. *

The rooms upon the lower floor have one door opening into the common corridor, and another opening out into a small yard, to which the prisoner has access every day. Each yard opens into the large space between the wings of the building, where are extensive garden plats, cultivated by those convicts whose health requires much exercise in the open air. Some of the small yards had been cultivated during the summer as flower-beds; and one poor fellow had gathered peaches enough from a tree planted by himself to enable him to send one as a present to each officer and each female prisoner. We mention this as a touching proof of the good effect of this humanizing employment. While this man was tending his little tree, he was cultivating in his own heart feelings which bore their fruit of love, and deposited in it the seeds of kindlier virtues than had ever taken root there before.

The prisoners were clean, and well clad, and seemed to have been well fed. They were quiet and respectful in their behaviour, and generally had the look of subdued and penitent men. They seemed glad to see us, especially when we repeated the visit, as this showed that we felt an interest in their condition. They conversed rationally and calmly, and though our interviews with some were long, we could not discover any feeling of bitterness against any one. They all wished for more society than they enjoyed, but all agreed that the companionship of other convicts would be injurious to them.

We could not perceive any feebleness of intellect, nor any peculiarity in this respect *that seemed at all general*. We propose to speak more at length afterward about the mortality and insanity; but we may remark here, that the pris-

* The rooms are 11 feet 9 inches long, 7 feet 6 inches wide, and 16 feet 6 inches high in the centre of the arched ceiling; the small yards are 15 feet long by 8 feet wide, surrounded by a wall 11 feet high.

oners generally spoke of their treatment in terms of satisfaction, and sometimes of gratitude. In our private interviews with them, they spoke of their keepers in a kindly spirit.

The testimony of prisoners in favor of their keepers is less liable to suspicion than complaint against them, because men so situated are more likely to affect a sense of wrong than a sense of gratitude; nevertheless, the testimony is to be taken with caution, because some convicts will say whatever they suppose to be most agreeable to the visiter, or that may put their case in a good light, or whatever, if repeated to their officers, may serve some particular purpose. After making allowance for these disturbing forces, the testimony of the prisoners in Philadelphia convinced us that they were generally treated with great kindness.

Some of your committee have visited several penitentiaries upon the Auburn system, and have gathered from various sources all the information they could upon the subject of prison discipline. They have examined the Reports of the commissioners who have been sent to this country from abroad to visit our prisons; they have carefully read the writings and the speeches of many eminent men who have recently been brought forward by the discussions in France, Germany, and England; they have found that a vast mass of philosophical, practical, and statistical evidence has been adduced in support of the principles of the Pennsylvania system; and that the current of European opinion is setting strongly in favor of it.

Finding, therefore, that the result of our own examination and reflection is confirmed by such high authority, we feel compelled to urge upon this Society a candid review of the grounds of its past course of condemnation of that system, and a prudent consideration of its future one. Our Society was formed for the purpose of improving prisons, and promoting the reformation and welfare of their unfortunate inmates. It employs an agent whose sole business it should be to visit prisons, to collect information respect-

ing the modes of prison discipline from all quarters, and to embody it in an annual report.

The agent, or Secretary, is *de facto* the Society. He acts for it, speaks for it, and directs its whole policy. The Society was not meant to be, and ought not to be, made an "Auburn System Society," as it is sometimes called in Europe; nor the pledged advocate of any one system, as it is considered by many in this country; but its business should be to gather facts which show the merits and demerits of all systems, and to spread them before the public.

The Annual Reports, nineteen in number, contain a vast mass of information respecting the prisons of this country, which is particularly valuable as showing the favorable side of the Auburn system. If there had been as much impartiality as there has been hearty zeal and untiring labor in their composition, they would have been more valuable still. They have been stereotyped and scattered over the country in great numbers, and have formed and directed the public opinion of New England upon the subject of prison discipline. We venture to say that few of the Society read other documents upon the subject, and that many will be surprised by learning that the statements and opinions therein given are denied and controverted by not a few intelligent men in the United States (out of New England), and by an overwhelming majority of those who have given attention to the subject in the various countries of Europe.

It is known to the Society that two rival systems of prison discipline have been presented to the world, called the Pennsylvania system, and the Auburn system.

Now, although, as we shall show hereafter, the only difference in principle between the two is that the first aims at entire separation of each prisoner from all his companions in crime, while the second stops short, and is content with partial separation; nevertheless, the dispute between the friends of the two systems, like quarrels between relatives, has been all the warmer because the ground between

the disputants was so narrow. This dispute waxed unduly warm and grew into a quarrel, in which thoughts begotten of bitterness were clothed in words of unkindness, hard names were called, bad motives were imputed, and recrimination followed upon crimination, until the great object of each, the good of the prisoner, seemed in danger of being forgotten. One of the worst effects of this dispute is, that what seemed to be stubborn facts have become as pliable as theories ; and statistics, apparently inflexible in their nature, have, like iron, been fiercely beaten upon by the hammers of the disputants, until they seem quite malleable, and are bent this way or that, as the last blow comes from one or the other party.

We question not the motives of either party ; we trust that the advocates of each have tried to be honest, according to their respective standards ; but it is unfortunate that our Society, or rather its *Secretary*, should have taken either side in this controversy. It should have acted as umpire, and opened the pages of its Reports to the calm discussion of the merits and demerits of each system.

Instead of this, the zeal and activity of the *Secretary*, supported as they have been by his official connection with the Society,* which enabled him to devote his whole time to the subject, have made him the great champion of his side.

In the very first Report, published in 1826, when as yet the whole subject was comparatively in its infancy, he said, with extraordinary assurance, in speaking of a certain plan,—“With this plan of building, and the system of disci-

* Our Society numbers among its members some of the most eminent and able men in the country, but we believe that very few, if any, of them take any active part in the inspection of prisons or collection of information. They seem to think that the wisest course is to leave the actual business of the Society to an able agent, to whom they pay a liberal, but not extravagant, salary. We believe we hazard little in saying that the vast majority of them form their opinions respecting the merits of prisons from his Reports.

pline and instruction introduced at Auburn, the great evils of the Penitentiary system are remedied. Here, then, is exhibited, what Europe and America have been long waiting to see, a Prison which may be made a model of imitation.”* Doubtless, this seemed at the time to be plausible ; but experience has proved it to be as unreasonable as it would be in our day to suppose that our railroads are the perfection of all modes of locomotion, and to propose them as a final model for the world. In the same Report the following language was used : — “ What could with propriety be done for criminals which is not done at Auburn ? They are, *from necessity*, temperate and frugal in their diet ; they are busily employed in some useful business from morning till night ; they are kept in perfect subordination, and *provided richly* with the means of knowledge and of grace, which may make them wise to salvation.”† Again, our Report said, — “ It is hardly necessary to add, that at Auburn there is an exclusion of all the positive evils of the old system, which arise from crowded night rooms, evil communication,” &c.‡

The ground taken thus early has been maintained with extraordinary pertinacity ever since.

The Philadelphia Penitentiary was then in the course of construction, and the Second Report of our Society set forth in favorable array the objections to it.

The Third Report returned to the charge, for the twofold

* First Report of the Boston Prison Discipline Society, 1826, p. 38.

† Ibid., p. 37. — Those who are familiar with the history of the New York prisons will, when thinking of the dreadful abuses which have existed and do still exist in them, see how poorly the spirit of party can play the part of prophecy. Even at this moment the blood of a prisoner is crying from the ground for vengeance upon officers of Auburn, who are awaiting trial for his murder, perpetrated by excessive use of the means by which he was “ kept in perfect subordination.” The reckless and abandoned lives of the majority of those who have left the prison, after having so many years been “ provided richly with the means of knowledge and of grace which may make them wise to salvation,” form an unhappy commentary upon the latter part of the prediction.

‡ Ibid.

purpose "of confirming the argument of our last Report against the plan of building, and the principle of prison discipline for which it was designed, and of contributing all in our power to prevent the adoption of a system which we should so much deprecate." *

If these remarks were intended to apply to the system of *solitary confinement without labor*, there would be less objection to them ; but our Report says distinctly, — " In regard to labor, it is not yet decided whether it shall be introduced or not." † Labor was introduced, but the tone of our Reports has never been changed.

To those who are familiar with the beautiful order, neatness, and perfect quiet which prevails in the Philadelphia Penitentiary, the following passage, which was given in our Third Report as the valuable remarks of a practical man, will sound very strangely : — " By these arrangements, the family of the keeper or warden is literally subjected to imprisonment, surrounded by impervious walls and immovable grates, and can only enjoy the unobstructed light of heaven by groping their way through a passage better fitted for an entrance into a subterranean catacomb than to the residence of a civilized and Christian family. Yet all this is a trifling matter, when compared with the horrors of a hospital within the walls of a family dwelling, where the shrieks of the insane and the groans of the dying are mingled with the yells and curses of abandoned and profligate female convicts in adjacent apartments." ‡

Notwithstanding all this, the Philadelphia Penitentiary was completed and occupied in 1829. It was organized upon the principle of *separation of the convicts* ; each prisoner having a cell to himself, in which he worked by day, and slept by night.

During several years, little knowledge could be gained about the operation of the system ; and little was said about

* Third Annual Report, p. 42.

† Second Report, p. 76.

‡ Third Report, pp. 43, 44.

it in our Reports until 1834, when, in a few words, the objections to the system were set forth without any comment.

The Report of 1835 shows evident hostility to it; and in 1836, when its friends were growing more confident of its success, our Secretary declared that he was "almost sick of the experiment: it fails so much in health, in reformation, in earnings, and in moral and religious instruction."*

In 1838, as though to wed this Society for ever to our system, the following resolution was offered at the annual meeting, and passed:—"Resolved, That this Society derives great encouragement to *perseverance, in its efforts to introduce the system it has uniformly recommended*, by the facts which experience has developed in relation to Prison discipline."† Ever since that vote, our Reports have labored to set forth the advantages of the Auburn system, and the disadvantages of the Pennsylvania system, and, unfortunately, it has been done in a way to annoy and offend the honest advocates of the latter, and to fix upon our Society the name of the Auburn System Society.

We do not propose to justify, or even to discuss, the mode in which the friends of the separate system have repelled the attacks upon their favorite prison, any more than the attacks themselves; but we are forced to say, in the discharge of our duty, that our Reports have not given the Society or the public the means of fairly judging between the two.

We have carefully searched the Reports since 1838, and have not found a line of unqualified praise of any feature of the Pennsylvania system. It is remarkable that five foreign governments have sent commissions to this country to examine the two systems; that four of them have reported warmly and decidedly in favor of the Pennsylvania system, and only one of them, cautiously and qualified-

* Annual Report, 1836, p. 40.

† Annual Report, 1838, p. 4. This resolution was offered by Mr. S. A. Eliot. The words are not Italicized in the original.

ly, in favor of the Auburn system; and yet the arguments and statements of the four former have never been even noticed in our Journal, while the Report of the latter was spread at full length upon its pages.

A most striking proof of the one-sided character of our Journal is found in the fact, that, though it spoke of the labors of the foreign commissioners, when they were here, it never informed its readers that any of them had pronounced in favor of the Pennsylvania system, except in the case of the commissioners from Lower Canada. This was done in the Tenth Report, in a paragraph of six lines.* Two years afterwards, in our Twelfth Report, we have the following: — “**NEW PENITENTIARY IN LOWER CANADA.** We publish the following notice *a little out of order*, because it is *so much to the purpose* in this place. It was mentioned in the Tenth Report of this Society, that the commissioners appointed by this province on the subject had reported in favor of the Pennsylvania system. This report has since been reversed by a special committee of parliament, who have reported in favor of the Auburn system. They come to this result for the following reasons.”† The Secretary then gives an abstract of the document, which he afterwards publishes at full length in an appendix.‡

Thus it seems that the facts and the arguments adduced by the commissioners who examined both prisons upon the spot were not worthy of notice, because they were in favor of the Pennsylvania system; but that when a legislative committee, in their private room, for political, economical, or other considerations, without examining the prisons, make a report in favor of the Auburn system, then all they say becomes important, and must be reprinted in our Journal, *though “a little out of order, because it is so much to the purpose.”*

There is another striking proof of the partiality of our

* See Tenth Report, p. 27.

† Twelfth Report, p. 55.

‡ Ibid., pp. 94-97.

Report, in summing up the evidence in favor of the Auburn system. The opinions of Mr. George Combe* and Mr. Charles Dickens are adduced; five whole pages of the Journal are taken up with the pathetic remarks of the latter, which are all addressed to the feelings, and not to the understanding. Now, if Mr. Charles Dickens's preference for the Auburn system was worthy of so large a space in our Journal,—if his opinion was worth any thing, were not the opinions of such travellers and personal observers as Miss Martineau, Captain Hamilton, Captain Marryatt, Dr. Reed, Dr. Cox, Dr. Hoby, Mr. Buckingham, M. Abdy, all of whom wrote favorably about the Pennsylvania prison,—were not their opinions worthy at least of being recorded? We say nothing of the writings of Professor Lieber, by far the ablest and most philosophical of any living American *writer* on prison discipline,—or of Miss Dix, by far the most active and indefatigable prison *visiter* in the United States: although both of these persons have borne their testimony in favor of the Pennsylvania system; and their testimony is of high authority everywhere but in our Journal.†

Thus we think we have shown that our Reports have for many years been drawn up in the spirit of the resolution passed by the Society in 1838, “to persevere in its efforts to introduce the system it has *uniformly recommended*,” and that no merit has been allowed to exist in any other. This we believe to be unwise and unjust. If the system which the Society espoused was really the best, then the more fully and fairly the merits of the other were discussed, the more certainly would it appear inferior, and the more speedily be abandoned by its supporters. On the other hand, if the Society by possibility was in error, then

* We can hardly trust ourselves to speak of the manner in which the extracts are made from Mr. Combe's book.

† We fear that those of our Society who confine their reading to its Reports are not familiar with the extraordinary and benevolent labors of this noble woman.

it incurred the awful responsibility of using its vast influence to hide the merits and prevent the adoption of the system of prison discipline which is best adapted to the temporal and spiritual welfare of the poor convicts. At any rate, the partisan character which our Reports have acquired is, as we believe, most unfortunate, and we doubt not that it will one day be regretted even by the Secretary himself. Our Society is not regarded as a high and disinterested tribunal that tries the merits of all prisons, and its Reports are not considered as sources of impartial evidence respecting the Pennsylvania system.

We speak not of the opinions and the writings of the advocates of that system in this country, — for some of them, too, are often liable to the imputation of bitter partisan spirit, — but of the more impartial authorities abroad. We have been mortified to find that some of the most respectable of them do not seem to consider our Reports as authority for the decision of the question at issue, and that some openly charge them with unfairness. This ought not to be ; and it would not have been, if the members of the Society generally had been made acquainted with both sides of the great question at issue.

Error has always a prolific progeny ; and one serious consequence of the partisan character of our Reports is, that the general principles of prison discipline are overlooked or violated, in the anxiety to prove the inferiority of a particular prison. The real or supposed short-comings of the Pennsylvania prison have been thought sufficient reasons for condemning the whole system, of which that prison is but one exponent.

It seems to have been forgotten, that a prison upon the best system may be so badly managed as to be intolerable, while another upon an inferior system may be so well administered by a man of great capacity as to be admirable. If it could be proved that every charge brought in our Report against the Pennsylvania Eastern Penitentiary is true, if it could be shown that the Auburn prison has been

superior to it in all respects, still it would not affect the value of the great principle on which the former is founded, namely, *entire separation of the convicts from each other.*

That principle has never, that we can find, been fairly considered in our Reports; we feel bound, therefore, to take a wider view, to overlook all petty disputes about the superiority of this or that prison in mere matters of administration, and to consider the fundamental principle which should govern us in the construction and administration of all prisons. If it be objected, that, in doing so, we deal too much in theoretical reasoning and not enough with facts, we reply, first, that the excellence of a prison depends upon the principle of its administration being in accordance with the principles of human nature, as modified by the usual life of convicts; and second, that the whole subject is comparatively new, and the statistics as yet collected are of comparatively little value.

Or, if it excite surprise that we should arrive at conclusions so different from those which one would form from reading the Reports of our Society, we can only say, that, if we are conscious of ever having had any prejudice upon the subject, it was certainly in favor of the Auburn system, before we had visited any prisons upon the separate system, and before we had given any special study to the great questions at issue.

With these remarks, we proceed to notice briefly the history of prison discipline in this country. We shall, however, spare the Society a detailed account of the horrible condition of prisons as they existed here before the reform, and as they now exist in parts of the country to which that reform has not yet reached. We shall only say, in general terms, that they were the loathsome cesspools into which were thrown all that was foul and corrupt, with all that was tending or suspected of tending to corruption. There the old and the young, the novice in guilt and the veteran in crime, the mere vagrant and the highway robber, the

heedless trespasser and the deliberate murderer, were herded together in close and dirty rooms, and were left without employment, without instruction, without even the decencies of life, until from the festering mass there were engendered crimes such as of old drew down the vengeful fire from heaven.

The evil at last became insupportable by the advancing humanity of the time, and good men went resolutely to work to remove it. Pennsylvania led the way in the work of reform, and the *Philadelphia Society for the Alleviation of the Miseries of Prisons* * led the way in Pennsylvania. The great source of evil was universally acknowledged to be, as Howard and others had pronounced it, "the corrupting influence of prisoners upon each other." The obvious remedy seemed to be **SEPARATION**.

The reform was begun in the Walnut Street prison in Philadelphia, which had been a pandemonium, made more hideous by the use of rum, which the keepers sold to the convicts. Separation and labor were introduced, and an immense improvement was the consequence.

But the reform was delayed by the division of its friends into two parties; one of which, though the smaller, advocated the principle of *solitary confinement without labor*, and succeeded in having the Western Penitentiary, at Pittsburg, organized upon this plan. They even procured a temporary act of the legislature, directing that the Eastern Penitentiary should be organized on the same plan; but they were ultimately obliged to yield to the force of truth, and the new penitentiary never was permitted to make this rash experiment.

Meantime New York followed close upon her sister State in the generous strife for reform. *Solitary confinement without labor* was then deemed to be the panacea for all the evils of prisons, and the plan was tried at Auburn, in 1822, upon eighty convicts. Prisons were also organ-

* Instituted in 1787.

ized upon this plan in Maine, in Virginia, and in New Jersey. But though the experiment was tried under the most unfavorable circumstances, and the prisoners' cells were such as no humane man would use as cages for wild beasts, still enough was seen to prove that the principle was wrong. The prisoners became idiots, or maniacs, or corpses.

New York abandoned the principle of solitary confinement without labor, and brought the prisoners together in workshops and in the eating-rooms by day, while they were confined in separate cells by night. The value of the principle of *separation*, however, was still recognized, and a discipline was introduced which aimed at prevention of all intercourse between the prisoners. Other States followed the example, and prisons were organized upon this plan of maintaining a certain degree of separation of the convicts.

Pennsylvania, though abandoning the plan of solitary confinement without labor, still clung to the soundness of the principle of **ENTIRE SEPARATION** of the convicts from each other, and aimed to carry out thoroughly what New York and other States carried out but partially. The Eastern Penitentiary at Philadelphia was organized so as to combine the advantages of the Pittsburg and Auburn prisons. The men were kept separate by day and by night, as in the first, and they were employed at some handicraft work, as in the second,—with this important difference, however, that each man worked in his cell, and never saw the face of another prisoner. Such is the Pennsylvania system.

It will be seen that the difference between the two is, that **ONE ATTEMPTS TO DO PARTIALLY WHAT THE OTHER ATTEMPTS TO DO THOROUGHLY**. The Auburn system stops short of complete separation, daunted by the expense and other difficulties of effecting it; the Pennsylvania system boldly carries it out fully, upon the ground, that, if *partial* sep-

aration of a convict from his vicious associates be good, then a *total* separation must be better.

It would hardly seem possible that two systems apparently differing so little should be considered as opposed to each other, and that a party should be formed to advocate each with so much zeal and even bitterness. Such has been the case, however; and it has arisen from the fact, that the loudest partisans of each attacked the *modes of administration* of the other, as if that affected the principle.

There is one great fact, however, which to the unprejudiced eye must be clear. The advocates of the Auburn system have ever, not in words, but in practice, acknowledged the soundness of the Pennsylvania principle of *separation*; for, though they bring their prisoners together during the day-time, they *try to maintain a moral separation by an enforced silence*, and non-intercourse through signs, and all the details of their discipline are adapted especially to this end.

It should be remembered that New York and Pennsylvania both abandoned the old principle of *solitary confinement without labor*, for two reasons,—first, on account of the evils of idleness,—second, on account of the cravings of the social nature for companionship; both remedied the first evil completely by supplying labor. New York attempted to remedy the second evil by giving the convicts a *partial society among themselves*; Pennsylvania, by giving them the *society of virtuous people only*.

However, we will not lose time in trying to show to others what is now perfectly clear to us, that the Auburn system is only a partial and imperfect Pennsylvania system; but since the public is firmly persuaded that they differ essentially, and as they do indeed differ in the mode of administration, we shall consider the effect of each mode.

It is necessary, however, in this, as in all discussions, to have clear and precise ideas of what we talk about, and names to express those ideas. Besides, inappropriate names have been, and still are, the source of misapprehension and

prejudice on this very subject. We are not satisfied with the names usually attached to either system, and though we cannot hope to change them in the public acceptance, we may do so with some readers who have the patience to follow us.

The Auburn system is practised in many parts of the world; it did not even originate in Auburn, and that name is therefore inappropriate. It is sometimes called the *Silent* system; but it is not silent, as the din and noise of any prison workshop shows. It is not a *Social* system, as some call it, if it effects what it proposes, *non-intercourse among the prisoners*. Its peculiar feature is, that the men are brought together to labor daily in companies. We might, therefore, call it the *Gregarious* or the *Congregate* system; but as the former, though perhaps most appropriate, might be offensive, we shall use the latter.

The Pennsylvania system is not peculiar to that State; it did not originate there, and the name is therefore inexpressive and incorrect. It is not a solitary system; solitude is not aimed at; but, on the contrary, the social nature of the convicts is gratified every day more than under the Congregate system, as we shall hereafter show. It is *solitary* with respect to the vicious, *social* with respect to the virtuous. It is an unjust misnomer, therefore, to persist in affixing to it a name which its friends repel as injurious. Its peculiar and leading feature is *separation*, because its principle and practice are to separate the convicts from each other; we shall therefore call it the *Separate* system.

We have shown that in principle the two differ but little, but in practice the difference may be immense; as moderate drinking and total abstinence may be in one sense the same, but in the prevention of drunkenness how different! We hold this comparison to be strictly appropriate. Mutual contamination is the great evil to be cured;—the *Congregate* system aims to cure by *moderate indulgence* in bad company; the *Separate* system, by *total abstinence* from bad company.

With these preliminary remarks respecting principles, we shall now consider them as applied practically in prisons.

The principal objects of imprisonment are, — *First*, To secure the person of the offender, and thereby prevent him from committing depredations on society. *Second*, To show in the prisoner an example of such severity of suffering consequent upon crime, as will prevent him and others from committing it. *Third*, To reform the convicts, and discharge them better men than they were before.

1. The first object, **SECURITY OF THE PERSON OF THE CONVICT**, can be at least as effectually gained under the Separate as the Congregate system. There has been but one escape from the Philadelphia Penitentiary since it was commenced. But it is more important to consider which system presents the least temptation to try to escape, and which prevents it by the least objectionable means.

Under the Separate system, well enforced, there can be no combined effort for revolt and escape ; the men do not see each other,—do not hear each other ; each one is in a cell by himself, and if he gets out of it, he cannot get the other prisoners out of theirs.

Under the Congregate system, there is constant temptation to revolt, because the men are made conscious of their strength by being together often with deadly weapons in their hands, and guarded by a few officers. Revolts have been not unfrequent under this system. This very year witnessed a partial one in the House of Correction at South Boston, a prison not exceeded by any in the world, perhaps, for the strictness of its discipline. A gang of men, armed with their working tools, broke away and threw themselves into the dock ; and but for the great presence of mind and activity of the superintendent, who happened to be near, some of them might have escaped in boats. Not long ago, it is said, even the female convicts at Sing Sing revolted, disarmed the sentinel upon duty, and pitched him out of a window. They were driven back to their

cells only at the point of the bayonet.* But not to multiply cases of revolt, let us ask which system tends to prevent them by the least objectionable means.

The Separate system takes away the power of combination; it opposes its walls and grates to the attempts of the convict at escape. These walls and bars restrain, but do not irritate by seeming to watch and suspect him. He does not personify them, and make them objects of ill-will and hatred. His keepers, having little fear of his escape, need not appear to watch him, and, not seeming to be the immediate obstacle in the way of his escape, are less liable to be regarded with ill-will on that account.

The Congregate system brings the men together daily, and furnishes the temptation to combination; to prevent which, the officers are obliged to watch, restrain, and punish. The men, therefore, see in the persons of their officers the immediate obstacles to combination or escape. They perceive that they are watched and suspected; therefore, if they are conscious of innocence, they feel wronged by this suspicion: if they are conscious of evil design, they are irritated; and in either case, the feeling towards the officer will be of a nature to check the growth of that confidence and good-will which are so desirable for a reformation. This is not mere fancy; and it is not the less real because some officers in Congregate prisons do gain the confidence and affection of the convicts. Such men would accomplish more without the disadvantage alluded to. That part, then, of the discipline by which the first object, *secu-*

* We desire to present this Report to the public as it was offered to the Society, otherwise we should omit this passage, and substitute some other example of revolt in the Congregate prisons. The "pitching out of the window" may have been an embellishment in the account which we quoted from. We have found the Report of the Inspectors, and they say, — "They [the female convicts] refused to work; they assaulted the keeper, threatened the lives of the matrons, tore off their clothing, *disarmed a guard*, and set all regulation and order at defiance," &c., &c. — State of New York, Senate Doc. No. 20. Report of the Inspectors of Mt. Pleasant (Sing Sing) State Prison, Dec. 1843, p. 30.

urity of the prisoners, is effected under the Separate system, seems preferable to that by which the same is effected under the Congregate system.

2. The second object of imprisonment is TO DETER OFFENDERS FROM THE COMMISSION OF CRIME. Let us see which system seems best adapted to effect it. We do not believe that men who are likely to become criminals are often deterred from crime by fear of the consequences, especially if those consequences are doubtful ; or, when certain, if they are not immediate, visible, and tangible. Countries which have the bloodiest codes of laws are not the most free from crime, but often the contrary. There are seductions in the path of crime, which to the virtuous seem repulsive. Sometimes the mere love of excitement tempts the adventurous and the bold, and

“If the path be dangerous known,
The danger’s self is lure alone.”

It is a mistake to suppose that pure selfishness is the only incentive to crime. The same spirit which makes the soldier seek the “bubble reputation i’ the cannon’s mouth” sometimes makes the criminal brave the prison-jaws and the gallows noose.*

Nevertheless, the fear of imprisonment has its effects, and they should be considered with regard to two classes

* Captain Maconochie, late superintendent of Norfolk Island, and who writes more in the spirit of sound philosophy than any man, practically acquainted with criminals, whose work we have read, and whose experience has been long and intimate, says, — “It is supposed that the fear of suffering can alone operate as a caution. But, from much experience in dealing with prisoners, *I know* that the criminally disposed are rather stimulated than deterred by such threats. They think, that, even if detected, they will be able to endure or evade them : they are prepared, at least, to try ; they are half captivated, in some cases, by the visions of adventure and deception connected with the attempt ; and even, on the contrary, when rather scared, the taunts of their companions engage them to proceed, in disregard of this. No one who does not know prisoners well can be aware how much this is the history of nearly all their minds, in the course of their descent.”

of men ; — first, those who are entering upon a career of crime, and have never been convicted ; and second, incorrigible offenders. The first class, as we know, is composed of the young, uneducated, and unreflecting. Such persons have not the habit or the power to look at things in the *abstract* : they do not reflect upon the horror of *imprisonment* ; but they must have something in the concrete, — an actual prison, with its existing privations and sufferings ; — these they can understand. Let us suppose, that, out of the six thousand visitors to the Charlestown prison last year, fifty were men who were conscious that their own course of life subjected them to the danger of becoming inmates ; — who came for the purpose of knowing what the prison really was. — or to see an acquaintance who had been more unlucky than themselves, and had been caught. They examine every thing closely : they see that the convicts are in full health, busily working at cleanly and healthy occupations, in large and comfortable shops ; they see them take their full allowance of bread and meat and go into a small but clean and comfortable cell to eat their meals. It is very likely that some of them would say, — “ Well ! after all, this is not so very dreadful ! There 's my old crony, Tom, or Bill, fat and hearty ; he has plenty to eat, good clothing and lodging, and plenty of company ! If worst comes to worst, I can bear it as well as he can.” On the other hand, suppose such men are led by curiosity to visit the Philadelphia prison. They pass its gloomy portals, and walk up and down the long stone galleries to which all visitors are admitted. On each side are the low iron doors that secure the cells, and hide the prisoners from the view. From some there comes no sound ; the dread stillness may, for aught the visitor knows, be that of death. From another cell is heard a faint noise of a hammer or a shuttle ; and it may be that there is shut up in it a feeble, pallid wretch, worn out with labor, solitude, and suffering.

We believe that the same principles which operate in the human mind, and make exceptions in the privacy of the

jail-yard more effectual in preventing crime than those in the public square, make the mysterious fate of the convict committed to a Separate-system prison more dreaded than the more certainly known amount of suffering of one who is committed to a Congregate prison.

As for the second class, old offenders, it is well known there is nothing so much dreaded by them as separation from their comrades in guilt. All their associations have been with criminals, — all their sympathies are with them, — and their companionship is the only solace left to them for the loss of the world's esteem, — their only refuge from despair. They generally dread the thought of being forced into the company of the good.

All who are acquainted with the history of the penitentiary system in this country will recollect, that, when the Auburn system, with its immense advantages over the old prisons, was advocated and introduced, there was the most abundant evidence offered to show that the convicts would have preferred to be whole years in the old prisons, with all the abominations consequent upon free communication, to being as many months in the new prison, with its silence, and its practical separation.* Now, it seems to us clear, that, if convicts dread the partial separation of the Congregate system, they must dread still more the perfect separation of the Separate system.

In order to judge fairly of this mode of reasoning, the reader must bear in mind that the same motives which would influence him in the selection of a prison would not be likely to influence an old offender. He would shrink from the companionship of, the bodily contact with, criminals, into which he would be daily forced under the Congregate system, and would prefer the seclusion from other prisoners and from the public eye, which he would find under the

* We could offer the most satisfactory evidence on this point, and also of the greater dread which convicts who have been both in Auburn and Philadelphia express of the latter.

Separate system. But so would not the class of men whom we are considering.

In speaking of making an example of men, in order to deter others from crime, we do not pronounce upon the morality of the practice, but only as actually being one object of imprisonment. Most certainly, however, those who maintain the right of society so to make use of a man will admit that it should be done in such a way as least to injure the moral nature of the victim. Now, the Congregate system, by exposing the prisoner to the gaze of the public, and to the daily sight and companionship of hundreds of convicts, breaks down his self-respect (false though it may be), mortifies his pride, and makes him less inclined to reform than the Separate system, which shuts him up from every eye but that of the virtuous and good.

The second object, then, of imprisonment, to deter others from crime, imperfectly as it may be effected under the Separate system, is still more imperfectly accomplished by the Congregate system, the discipline of which is more injurious, morally, to the prisoner.

3. We now come to the third and most important object of imprisonment, — **THE REFORMATION OF THE PRISONER**, — an object which we fear has never yet been attained in any satisfactory degree in any prison, under any system. Many persons who are well acquainted with the subject are quite skeptical about the possibility of reforming any considerable proportion of adult criminals, and this skepticism is but too well justified by the past history of prisons ; we have, however, the immeasurable future before us, and, with a conviction of the almost limitless power of the human intellect, when directed by human love, we may hope against past hope. Let it be borne in mind, that, long as this subject has occupied public attention, great as has been the amount of intellect brought to bear upon it, and vast as has been the capital expended to improve prisons, the main object has ever been to secure the interest of the state, to defend the property of society, and to *punish* those who com-

mitted depredations upon it. The interest of the prisoners has ever been a secondary object, except where the individual influence of good men was felt. It is only recently, and in a few cases, that *love for the prisoners* has tempered the execution of the sentence of justice ; and such has been the effect of this new influence, that it is easy to perceive that all that has hitherto been done for them will be as nothing, compared to what can be done.

The convict should be made to feel that his reformation is one object of his imprisonment, and that it is not overlooked in the regulations of his prison ; when he enters, he should see the word *hope* written over the portal, and while he stays, he should hear the words *courage* and *resolution* on every side.

The discipline of the prison should aim at his reformation, — *first*, by cutting him off from companionship with his guilty companions ; *second*, by inducing habits of sober industry ; *third*, by giving him the companionship of good men whom he can learn to love and imitate, of good books, and of good thoughts ; *fourth*, by allowing him to exercise his good resolutions and strengthen his conscience by the greatest freedom of action, and the most perfect self-control that is consistent with his safe keeping.

Before considering how these various means of reformation are carried out in the two systems now under consideration, we shall remark, in general, — that that system of prison discipline is the best, which, other things being equal, is, *first*, the simplest in its nature, and can be administered by ordinary persons, and is least dependent upon the individual character of its officers ; *second*, which appeals most to the moral sense and the affections of the prisoner, and least to his fear and selfishness ; and *third*, which allows the greatest adaptation of its discipline to the different characters of its subjects.

Which System is simplest, and can be most easily administered by Persons of ordinary Character?

Which of the two systems best fulfils the first requisite will be seen by a little attention to its daily discipline, especially with a view to what both systems aim at, the prevention of communication among the convicts. We have seen the importance of this principle of separation. We have seen that both systems aim to carry it out, and we need not dwell upon it here.

Let us see how the two systems try to effect it. *The Congregate system* separates the convicts entirely by night. There is a building constructed especially with a view to packing men in the least possible space, consistent with their separation by walls. It is constructed as compactly as bees construct their comb. Into each one of the cells a convict squeezes himself at sunset, and lies down in a bed as narrow as his coffin ; and though all around him, as close as the dead in a well filled graveyard, lie his companions in guilt and in punishment, he must be still as the dead, and make no sign, for the officers are ever going about, with cat-like tread, in their *stocking-feet*, and have their ears erect, to catch the faintest sound. In the night, then, the isolation of the convict may be effected very well. At sunrise, the doors are all unclosed, and, at a signal, the men step out upon the platform, all facing one way. At a second signal, they close up and form a line, the breast of each in close contact with the back of the person before him ; consequently, the mouth of one within six inches of the ear of another. At a third signal, they beat time with the foot, and then march with slow and steady tramp across the yard and into the workshops. Here they are marshalled into their seats, arranged in parallel lines, all facing one way, and commence their daily task. They work together, sitting almost in contact, but they must not speak ; they can see each other, but must not look at each other ; they can hear each other sigh, and even breathe, but they must make

no intelligible sound, and give no sign of sympathy, of feeling, or community of thought ; for the restless eye of the officer is upon them, and punishment will follow, if they forget for a moment that they are machines, and suppose they are social beings.

This separation and silence, however, can be effected only in a few shops, such as those of tailors or shoemakers ; the others, those of brushmakers, cabinetmakers, &c., present a busy, noisy scene ; the men move about, often have their heads close together, and may whisper almost without chance of detection. When the bell rings for breakfast, the men form again into a line, and march in lock-step to the eating-room ; or (in some prisons), as they march by the cook-shop, the cans are pushed out of the window, and each man takes one in his hand, and, without leaving his rank, marches to his cell, in which he is locked up during the hour of repast. Again the bell rings, and the men march out in the same order, repair to the shops, and work until dinner-time, when they are again marshalled to their cells.

Now let us see how the daily discipline of the *Separate system* effects its object, and isolates the prisoner. The same mode, precisely, is adopted at night as is adopted under the Congregate system : each man is in his cell or apartment. The walls which separate them are built with a special view to preventing communication between the inmates ; the watchmen are ever on the alert, and no prisoner can make a noise or signal of any kind, which will be heard by any other prisoner, without its being heard more distinctly by a watchman near by in the corridor.

Now, if the Congregate system can prevent communication between prisoners by night, then, *a fortiori*, the Separate system can do so by night and by day both, for the cells are built with an express view to that end.

It is clear, then, that the first great object, prevention of communication, can be carried out much more effectually and easily by the *Separate*, than by the *Congregate* system. In the first we have to guard against communication by

sound alone ; in the second we have to guard against its taking place not only through the sense of hearing, but also through the senses of touch and of sight.

A moment's reflection, or, still better, an hour's visit to the crowded workshops of a Congregate system, will convince any impartial man of acuteness, that it is utterly impossible to prevent human beings from communicating their thoughts and feelings under such circumstances. We hold it to be as certain as any thing can be which is not mathematically demonstrated, that it is impossible, by any vigilance, or by any severity of punishment, to keep men at work together, for a year, in a common shop, within seeing, hearing, and touching distance of each other, and still to prevent communication among them. They will not only know the gait, the attitude, the lineaments, and the physical peculiarities of one another, but the very character of each other's minds ; they will devise a system of signs, and have frequent and free communication. It is certain, that, if, when sight is extinguished, and hearing destroyed, and smell and taste are obliterated, even then the imprisoned soul can struggle out through the narrow aperture of the touch, and beat that into a broad and easy path for communion with others, — then, when men are close together, with the speaking eye at command, and the quickened ear upon the alert, and the dexterous hand in freedom, and the noiseless lips in motion, then they can and will *converse*, though they may never utter an articulate sound. Be it remembered, that, for the attainment of their ends, and the defeat of their officers, the men will devote their whole energies to the task, and we know that almost miracles may be performed under such circumstances.

But it is now too late to deny the fact, that, in all Congregate-system prisons, even with the cruel scourge of the cat brandished in their sight, the prisoners do communicate freely ; for the evidence is becoming irresistible ; it comes even from the keepers of these very prisons, and not even the most violent partisans can be long blind to it.

The enlightened Mr. Crawford, the British Commissioner, who visited all our prisons, says in his Report, — “The effects of the Auburn Penitentiary, notwithstanding the order and regularity with which its discipline is enforced, have, I am persuaded, been greatly overrated. Its advocates maintain that the mental seclusion at Auburn is complete, and that the main objects of solitude are in effect accomplished. But vigilant as are the precautions taken to prevent communication, the prisoners do hold intercourse by signs and whispers. For this there are at times opportunities, both in the workshop, and when marching in close files.” *

We could quote a volume from respectable sources, proving, that, under the Congregate system, there never has been any thing like isolation of the prisoners ; but we prefer to deal with general principles, rather than matters of local detail in this or that prison, which may form exceptions to the rule. We shall merely give an extract from the speech of the French Minister of the Interior, in the late discussion in the Chamber of Deputies, upon the question of introducing the Separate system into all the French prisons.

The bill had been drawn up with great care, after years of research, and the minister had prepared himself to discuss its merits by study, observation, and the immense advantage which his position gave him. He said, — “I do not wish to deceive myself by any illusion. It is not as the result of theory, but of experience and of practice, that I submit these views to the Chamber ; it is by those means that I have formed them.

“ Whatever improvements we may have made in our central prisons, whatever exceptions certain of them may offer, it is not the less true that the system is in itself a vicious system. There are no means of preventing these great establishments from being manufactories of crime as

* Crawford's Report to the Secretary of State for the Home Department. — p. 19.

well as of merchandise ; and this is the character of our central prisons.

“ And how can it be otherwise ? Can we prevent communication between the criminals ? Can we force them to observe a continual silence ? If we could force them to be silent, we should establish between them the most cruel separation, for *silence is moral separation* !

“ The mere physical separation [that of the Separate system, he means] is denounced as cruel ; what, then, must be a *moral separation* ? What ! that men shall find themselves in close contact with other men, and be prevented from speaking, — does not that merit the name of cruelty ?

“ But this system is impossible. What follows, then ? I ask all those engaged in prisons ! There is much said about the *Reports of Prisons* ; I have not only read them, but I have conversed with many of the prison keepers, and they are unanimous in saying that it is impossible to prevent the corruption of prisoners in our central prisons.” *

It will be admitted that it is necessary that this separation should be *attempted* under each system, and let us see how the two methods *compare with each other*.

Means of keeping up Separation under the Two Systems.

It should be our daily prayer not to be led into temptation beyond our strength ; and it should be our maxim in managing prisoners with a view to reform, never to tempt them too sorely to break a law of the prison, especially during the early part of their confinement. But we act in direct opposition to this, when, under the Congregate system, we place men in sight of each other, and forbid them to look ; within hearing, and forbid them to speak or to listen ; when we excite their whole social nature to activity, and then forbid them to attempt any communication of their thoughts and feelings.

There is no tendency in human nature stronger than

* Speech of M. Duchatel, May 11, 1844, as reported in the *Moniteur*.

that to interchange thoughts and feelings with those immediately around us ; and we place prisoners, under the Congregate system, in a more cruel position than the imagination of the ancients contrived for Tantalus,— we hold the cup to thirsting lips, and brandish a scourge to punish for the first drop that is swallowed.*

The previous habits of these unfortunate men show that the fear of punishment was not sufficient to deter them from crime ; they were led into temptation, and they fell. We put them into a prison and present a temptation to break its laws, which is almost irresistible ; and yet we expect they will obey them, or we punish them if they fail to do so. Is this the kindest course with our fallen brethren ? Is it the wisest ? Do we not lessen our own authority and their respect for law, when we attempt to exact obedience to rules which we cannot enforce ? Is not the Separate system wiser, which diminishes the temptation, by keeping the convicts apart, and by making the communication between them tenfold more difficult ?

But let us consider another effect upon the prisoner of these two different ways of keeping up the separation. Bearing in mind the principle, that he should be made to feel that he is to obey the power of the law rather than the will of his officer, and that there should be the least possible cause for ill-will towards that officer, we shall see that the prevention of communication under the Separate is easier and less irritating than under the Congregate system.

In the first place, the prisoner does not see the face of the

* The almost uniform practice in the Auburn prison has been to punish immediately by the lash, and this has been defended as a necessary part of the system, when administered by men of ordinary character. The commissioners appointed by the government of New York to visit the Auburn prison, speaking of this, say, in their Report,— “ If, instead of being repressed by a blow, the usual irregularities of prisoners were reported for investigation, we are satisfied that endless litigation before the Inspectors would ensue, requiring thereby their constant attendance at the prison.”

other convicts ; he does not know who is in the cell next to him ; it may be one of those, always to be found in prisons, who are inclined to please the officers by obeying the rules, or who will betray their comrades. Then the temptation to talk through the wall, even where talking is possible, is very much diminished, because the gratification is much less, and the risk of exposure is much greater. In these obstacles the prisoner sees not the individual will of his keeper, but the walls, and the system itself ; consequently, he is less likely to have any ill-will towards that officer.

On the other hand, under the Congregate system, there is irresistible temptation and constant opportunity presented to the prisoners to look at each other ; by the eye each one reads the natural language of those who will sympathize with him ; thus an acquaintance commences ; signals are interchanged, and a correspondence is formed. If an officer interferes to check this, then come disputes about his right to punish men for merely looking at each other ; or, if he silence all remonstrance by his arbitrary command, then are there inward heart-burnings, imputations of petty tyranny, and thoughts of vengeance, none of which would have existed, if the prisoner had seen that it was the stone walls and the inexorable law which opposed him.

Comparative Simplicity of the Two Systems.

The object of separation is so important, and the means used to effect it form so prominent a portion of the discipline of a prison, that they influence its whole character, and make it more or less complex.

In a machine, we want simplicity in the principle, in the construction, and in the movement ; we want uniformity in speed and force, and the greatest possible power of self-regulation, so that it will not be liable to get out of gear, and may be managed by a person of common intelligence. A prison in full operation is a machine, and its success depends greatly upon the clearness of its principle and the simplicity of its movements. Now, a glance at the Congre-

gate system and the Separate system will show that the first is the most confused in its principle, the most complicated in its operation, the most liable to get out of order, and the most dependent upon the intelligence and prudence of its tenders for the quality and uniformity of its operations.

One common end which each system keeps in view is to prevent communication and acquaintance among the prisoners. Under the Separate system, the officers have only to see that the men do not communicate by audible sounds through the walls ; for there is hardly a possibility of communicating in any other way in a well regulated prison, and even this way is nearly, if not entirely, cut off by the mode of construction in the new model prison upon the Separate system, in London. Thus far all is simple and easy ; the prisoner tries to talk, or he does not ; if he does, he is to be reported and punished ; if he does not, he is free from blame on that score, and there is nothing left to the discretion of the officer.

Under the Congregate system, the officers have to watch just as closely, and even more so, to see that the prisoners do not talk from cell to cell during the night and at meal-times ; and here the decision is equally simple and positive ; the men talk, or they do not talk. But in the day-time, how different ! The prisoners come out of their cells and arrange themselves in a line, their bodies touching each other ; and while the officer is engaged in giving the word of command, or seeing that the line is straight and the number complete, how can he distinguish, amid the noise of the tramp, the whispers of the men ? Or, when the convicts are in the shop and bustling about their work, amid the sound of hammers and tools of all kinds, how can he either perceive or prevent the conversation ? The men are close together, and may speak so as to be heard by each other, but not by him. And even in the more orderly and silent shoe-shops and tailor's shops, where the men sit in one place and face one way, the duty of the officer is un-

certain, indefinable, and such as no two will perform alike. It is impossible to prevent men from casting sidelong glances, from coughing, hemming, and touching each other ; and a shrewd and suspicious officer will see and hear in some of the movements and sounds intelligible signs, purposely made, while a credulous or a stupid one will see and hear nothing but the glance and the cough. A severe officer will critically note, and severely punish, what a mild one will indulgently overlook, or mildly rebuke.

There are occasions on which men must leave their seats ; there is work which depends upon some interchange ; and amid all this, let the officer be as acute and vigilant as he may, there will be those among the gang who are more acute and vigilant still, and he cannot make his two eyes watch effectually fifty pair of eyes.

Thus we see that the machinery of the Congregate system is more complex, and its efficacy more dependent upon the intelligence and kindness, not merely of the superintendent, but of every officer. Or, in the words of the Secretary of this Society, which we Italicize as he Italicized them, “It is obvious that the best security which society can have that suitable punishment will be inflicted in a suitable manner, *MUST arise from the character of the men to whom the government of the Prison is intrusted.*”* He says, moreover, “There are men whom no laws would restrain from indiscretion and cruelty, if not barbarity, in punishment. There are others whose humanity is excessive, and they would never punish at all ; to men of either class, the power of punishment and the management of Penitentiaries should not be intrusted.”† We want no other authority for the superiority of the Separate system, in point of simplicity of operation and ease of administration.

Every body knows that it is difficult to tell how a man will administer an office, until he gets into it ; and when

* First Report, p. 18.

† Ibid., p. 19.

he is once in it, that it is often more difficult to get him out. Under the Congregate system, the disrespect, the disobedience, and the insubordination of the convicts *must be repressed at once*, or it would be fatal to the order and security of the place. Under the Separate system, each case may be left for adjudication, until both officer and prisoner have grown cool ; for the latter, being by himself, can do but little harm ; indeed, the power of inflicting corporal punishment can be, and has been, taken away from the officers. But under the Congregate system it cannot ; even our Secretary says, — “ It appears that in those cases where the warden has the power of punishment the fewest evils exist, and the security that they will not exist is found in the character of the officer to whom the power is intrusted.”*

Now, in the application of these remarks, it should be borne in mind, that, under the Congregate system, the punishment of most of these attempts to violate the rule must be immediate ; and, unless the system be materially changed, the power of inflicting it must be left with the warden and officers. This makes it so much the more difficult to find the proper persons. Under the Separate system, on the contrary, as we have seen, it is hardly possible that there should be an offence the punishment of which may not be decreed the next day or the next week, and by a higher and cooler authority than the excited officer who witnessed the offence.

The Directors of the Congregate prison at Sing Sing, with the enlightened and discriminating Judge Edmonds at their head, say, — “ There are many who are continually struggling against the infirmity of their nature, and who repent as sincerely as they transgress suddenly, and who often entertain sincere intentions of repentance, *yet who are the most frequent objects of the lash.*”† The Board then allude to the superiority of moral incentives over the

* First Report, p. 19.

† Report, Jan. 1, 1844, pp. 23, 24.

lash, and add, — “This is a matter, however, which the Inspectors cannot entirely control. It must of necessity rest with the keeper and his assistants, whose business is the daily supervision of the convicts.”* Again, — “In the view of the Inspectors, he is not the best keeper who punishes most, but who with the least punishment keeps the best order. This is a matter which the Board *cannot regulate*, because it must depend mainly upon the peculiar character and temper of the *persons employed* as keepers.”†

Why is it that at this late day, notwithstanding all the improvements in prison discipline, and all the awful revelations that have been given of the abuses of the Congregate system in the prisons in New York in years past, — why is it that we hear of such bloody flagellations as caused the presentation of the keepers of the Auburn prison for murder, within these few days, — while at Charlestown the lash is used so sparingly ; why, but on account of the difference of the individual character of the keepers ? We think, then, that in regard to the first requisite of a prison, simplicity of principle, and *capacity of being managed by ordinary persons*, the Separate system is superior to its rival.

The second point to be considered was, —

Which System appeals most to the Moral Sense and Affections of the Prisoner, and least to his Fear and Selfishness, and which is best adapted to maintain a Kindly Feeling between him and his Keeper ?

Under this head may be considered, not only the principles upon which the prison is founded, but its daily administration, so far as this is necessarily dependent upon those principles, from the day of the convict’s entrance to that of his discharge.

Sound writers and intelligent practical men agree that the prison should afford the means of reflection, self-examination, and repentance. Indeed, one of the most critical

* Report, Jan. 1, 1844, p. 24.

† Ibid.

moments of a convict's life is that in which, bidding a long farewell to the world, he passes the gloomy portals of the prison, hears the heavy clang of the doors behind him, and prepares to strip off his citizen's dress, and to don the odious uniform of guilt. Often, at such moments, there comes over him the sad thought of all that he is leaving behind, — the bright world, — his pleasant friends, — his loving family, — his sweet liberty ; — and, on the other hand, the dark prospect that lowers before him, — years of toil by day, — a cheerless cell by night, — hard fare, — sickness, — perchance, death ; — all these things crowd upon his mind, until his stout heart melts within him, and he becomes as a little child, choking in an agony of grief.

These are painful, but precious, moments ; his good angel is then by his side, and his softened nature may be moulded into a new shape. In a prison upon the Separate system this crisis may be much prolonged ; and similar ones may often be produced in the solitude and silence of his cell. But in a prison upon the Congregate plan, it causes but a passing emotion ; for the prisoner is soon ushered into a shop where are scores and hundreds of men busily at work, and pride bids him try to appear like a brave man in their eyes, and to stifle his emotions. He soon has a task assigned him which taxes all his energies ; new objects continually pass before his eyes ; his attention is taken up all day, and when he goes to his cell at night, it is to lie down fatigued, and to sleep until the morning bell arouses him to a new day of toil.

Thus it is obvious that the discipline of the Congregate system is less favorable to habits of reflection than that of the Separate system. It is said by the advocates of the former, that the prisoner has opportunities of reflection during the first few days after his entrance, when he is kept in a solitary cell, during the many unoccupied hours between Saturday night and Monday morning, and every night during the time that he does not sleep.

But as for the effects of the “three days solitary,” it

may be said, that sudden and sharp shocks of repentance, brought on by severe suffering, are not what is wanted, for they do not produce any radical change. As for the opportunities for reflection on Sundays, it may be answered, that the prisoner under the Separate system has the same, without the disadvantage of having had his good resolutions disturbed every day by associating with evil-disposed persons. And with regard to the night meditations, it may well be doubted whether many are profited much by them, fatigued as they are by labor; at any rate, under the Separate system, the prisoner may meditate by night and by day too.

What is necessary for reformation is daily and regular opportunity for reflection, aided by the company and example of the virtuous, and undisturbed by the influence of the bad. It is impossible for ordinary mortals to resist the silent influence of those in whose society they live. This is true of vicious and of virtuous influences. Criminals in masses support and encourage each other. Even if they do not speak, the sight of each other in such great numbers confirms and hardens them in their evil thoughts. A sixpence held close to the eye will darken the disk of a distant planet; and the three or four hundred convicts present to the eye of each inmate of a Congregate prison shut out from him the great public beyond; indeed, they form to him the public whose good opinion he would gain, *by excelling in those things which they admire*; whose ridicule he would fain avoid, and with whose tone of mind he would always keep his own in concert-pitch.

The tendency to imitate, and the desire of approbation by excelling in what others think excellent, are in society what attraction is among the particles of matter; and they act, too, in the same way, inversely as the square of the distance. To the child, it is glory enough to imitate sounds and movements, and be applauded therefor; to the savage, it is glory enough to excel his tribe in feats of strength; to the peasant, his village in skill; the petty

politician is gratified by the huzzas and votes of his immediate neighbours and countrymen ; and it is only a higher and wider range of the same feeling which makes the great man look for the world's applause, or, looking forward, sigh for a continuance of the approval of unborn generations.

Now, the ordinary inmates of our prisons are like children and peasants ; they imitate only those immediately about them, and regard only the public opinion of the little society in which they move. That society, in a Congregate prison, is *the mass of convicts* by whom they are surrounded ; the officers and the chaplains are only three or four individuals ; while the criminals are the public, — they are the public, held close to the eye, which hides from the feeble vision the great public beyond the walls. But in a prison on the Separate system, the only persons with whom the convict comes in contact are the officers, teachers, and visitors ; and the principles of the human mind to which we have just alluded will force him to try to imitate them, and to gain their approval.

It is a great mistake to regard convicts as forming a class apart ; it is a worse one to treat them as such. It is not for man to draw the exact line between degrees of guilt ; and many whom the law calls guilty are better than some whom it considers innocent. The convict class is a conventional, and not a natural division, and it has no precise boundaries. As human virtue has never soared so high that the good may not aspire to mount above those who have gone before them, so vice has never sunk so low but the vicious may go yet lower ; in the lowest depth of degradation, there is yet a lower deep. The convict is still a man, and, like the rest of men, subject to all those influences, for good or for evil, which make the rest of us what we are. He has forfeited his liberty to society, but nothing more ; he must stoop to pass the prison portal, but then he has a right to stand erect and say, *In the name of justice, do not surround me with bad associates and with evil in-*

fluences, do not subject me to unnecessary temptation, do not expose me to further degradation ; — but, for humanity's sake, help me to form good resolutions ; remove me from my old companions, and surround me with virtuous associates.

The prison should not be the place where the guilty man sees and knows others as guilty as himself, nor the pillory in which he is exposed to the public gaze ; but it should be like the dark valley of the shadow of death, through which he can walk safely, leaning on the kindly arm of humanity.

The Separate system secludes the convict, not only from the world, but from the influence of the presence of other convicts : it removes him from temptation, and surrounds him with virtuous associates.

But the Congregate system offers no such seclusion to the unfortunate inmate ; he must march, and sit, and work with other convicts. Now, we appeal to every humane person, whose sensibilities have not been blunted by the frequency of the spectacle, to say whether the sight of the long lines of convicts, paraded in the prison-yard,—marched up and down in silence like “dumb driven cattle,” — taking in their hands their night-tubs, or their supper-cans, as the case may be, — wheeled into their cells by word of command, — treated in every way as a Russian corporal treats his slaughtering-machines called soldiers, — whether such a sight is not most painful to him. There are, in those closely serried ranks, men of all ages, of all capacities, and of all degrees of degradation ; — the beardless boy, a novitiate in crime, who scans with timid glance the group of spectators, fearful of recognizing in it a brother, sister, or friend ; he has his hand, perhaps, on the shoulder of the hoary-headed lecher, who whispers to him words of pollution ; — the man of education, who has committed forgery, is in lock-step with the poor wretch whose only teacher was his animal appetites, and who is a brute in human form.

Now, what is most painful to the spectator,—what is and ever must be an objection to the Congregate system,—what is and ever must be unfavorable to the reformation of the convict,—is, first, the exposure of the men to each other (and to spectators), and, second, the necessity of treating them as irresponsible machines. Such discipline may be borne by boys, and by soldiers who voluntarily incur it, and who are at times relieved from it; but for grown men, for moral agents, for men whom we intend to reform, whose feeble moral nature should have some exercise, that it may be strengthened, it must be humiliating, and end by breaking down all self-respect, or engendering feelings of ill-will or hatred to those who subject them to it.

We know that it will be said, we do not understand the convict, that we ascribe to him a feeling of shame which he does not possess; but we are sure, not only from a knowledge of human nature, but from acquaintance with convicts, that *some* do commence their prison life with a painful sense of their shameful degradation, that they would fain shun every eye,—and that they finish by holding up a brazen front, and almost exulting in the convict garb. It is true that such cases may be rare; but it is a principle in law that it is better for ninety-and-nine guilty to escape, rather than that one innocent man should suffer; so let it be in prison; let us adopt a system, which, while it cannot injure the hardened and shameless offender, shall give to the novice, to him whose sense of shame is still vivid, the means of avoiding acquaintance and familiarity with other convicts; where he may not lose all his self-respect, and not feel that he has lost all hope of enjoying the respect of the world.

It will be said that this exposure forms a necessary part of the punishment, and that the system contemplates it as such. We know it does, and therefore do we protest against it as unwise, ineffectual, and unfavorable to reform. We believe that this system of exposure, aggravated as it is, by forcing the men to wear a *uniform* which is pur-

posely contrived to be so grotesque as to be an unmistakable badge of degradation, is founded upon the same error which once made us work convicts in chain-gangs about the streets, and which we now abandon to the nations behind us in civilization, because it is unkind, unjust, and pernicious.

It is unkind, because it is an unnecessary aggravation of the legal sentence. It is unjust, because it falls with the greatest severity upon the best prisoners. The old convict or the shameless wretch may don his prison dress, and march out with defiant exultation ; but to a sensitive novice in crime, that dress must be the poisoned shirt of Nessus, which he can never strip off until his pride and all his self-respect have been torn away by it. It is pernicious, because, while it destroys the self-respect of the convict, it seems to go upon the principle that degradation is a part of the system of punishment. This, indeed, is assumed by many who advocate the exposure of the prisoners in the Congregate prisons ; but this doctrine is as unsound as its effects are injurious. The prisoner *degraded himself* by his vices and crimes, and it should be the object of his prison discipline to elevate and purify, not to shame and degrade him more. It is a fatal error to connect any unnecessary degradation with punishment ; the righteous God will not break the bruised reed, and shall unrighteous man ? It is said that the degradation of exposure is inflicted as a means of deterring others from crime ; but we have no right to do evil that good may come out of it ; we have no right to degrade one man that another may be elevated, much less have we a right to injure one man's moral nature that other men's goods and chattels may be safe.

Make the prison and its discipline so painful as to be dreaded and shunned, as God makes sickness and suffering ; but make them, as He does, curative in their operation, and not destructive. To suffer punishment as the natural consequence of sin or crime is not in itself degrading ; and though we may not expect to make convicts look upon it,

as did Socrates, as a thing to be sought rather than shunned, still we ourselves, and all who have any thing to do with the administration of penal justice, ought to be ashamed if we view it less wisely than did the noble old heathen.

But a great change is to be wrought in society, before the public, or even legislators, will look upon prisons with sufficient interest to understand their importance, and to establish them in wisdom. The confession of the Directors of the Congregate prison at Sing Sing, in their Report of 1844, may be applied to most prisons upon that system :— “One object of a Penitentiary, that of punishment, is well provided for here ; the other object, and one equally important, that of reformation, is not.” *

We look with interest upon the reformed drunkard and the reformed gambler ; and he who in his religious reformation confesses to a multitude of sins gains our respect ; but the poor convict, the prison-bird, is a Pariah for life. Now, when we reflect upon the multitude of sins that go unwhipped of justice, and the multitude of men who go at large, though they violate all the laws of morality, it seems strange to find how certainly and swiftly the arm of the law arrests those who sin against our property. It may be right that nine tenths of penal legislation should be for the protection of property, and we would not weaken the barriers of stone and iron by which society protects its material interests. But we would not stop there : the prison should be sanctified by the high ends which it proposes, the saving of human souls ; and every one of its regulations should have in view the reformation of the prisoner, as far as is consistent with his safe keeping. Like our lunatic asylums, they should be considered places of cure for all the curable, and of safe keeping for the incurable.

* Report of the Directors of Sing Sing Prison, 1844, p. 23.

Evils of the Severe Labor exacted in Congregate Prisons.

The evil effects of thus laboring in common, in the Congregate prisons, are aggravated by the severity of the labor which is requisite in order to prevent, as much as is possible, communication among the workmen.

How many a hapless convict, after a day of severe drudgery, when he is locked up in his narrow and cheerless cell at night, must, as he wipes the sweat from his brow, curse the labor which to him is productive only of fatigue, made more painful by the thought that all the profits go to a sordid contractor or a sordid government! Urged to labor by the dread of the lash, and deprived of that which sweetens it, he will be apt to detest it; and there are many who will firmly believe that the courts, as the organs of government, purposely gave them long sentences that more might be made out of them.

Contrast the situation of men, thus driven in gangs to work, exposed to the gaze of every visiter, with the condition of a prisoner under the Separate system, who is shut up in a room as large, perhaps, as the one he was accustomed to at home. He has his loom or his shoe-bench at hand; he is at liberty to work as long as he pleases, to rest when he is tired, to lay down his hammer and take up a book; he knows, that, if he does more than a fair day's work, the *over-stint* will be added to the small sum already placed to his credit, and be at his disposal when he goes out. Such a man learns to prefer work to idleness; he forms habits of voluntary labor; he sees in the work provided for him a proof of the kindness of his keepers; and, knowing that the government makes nothing out of him, will not suspect it of cupidity or cruelty.*

* In some of these remarks we have spoken of the Congregate system rather as it is actually administered, and must allow that it admits of beneficial modifications without departure from its principles.

Exhibition of the Prisoners under the Congregate System.

In connection with this subject we would mention a practice common in the Congregate prisons, which has never been denounced in our Reports, but which ought to be, and indignantly, too ; — we mean the exhibition of the convicts to the public gaze *for a fee!* *Even MASSACHUSETTS receives \$1,500 a year for the exhibition of her prisoners to any visitors, at twenty-five cents a head!*

This we hold to be not only unnecessary, but unfavorable to the reform of the prisoner and discreditable to the State. We are aware that the primary object is not to make money ; and that the practice is defended by high authority, and even by the Secretary of the Society ; but much as we are disposed to defer to such authority, we cannot do so in this case. There are few men so lost to a sense of shame as not to blush when first convicted of crime ; and doubtless many a poor wretch, who has been agonized by the exposure upon his trial, half welcomes his sentence, because he hopes to hide his head and his disgrace in the privacy of a prison. But he is sorely mistaken ; when once there, he must sit all day long immovable, and bareheaded, in the open hall, surrounded by convicts, and bear the scrutiny of thousands of visitors ;* and if in his stealthy glances he meets the curious gaze of a former acquaintance, brought by morbid curiosity to see him in his disgrace, — or the scornful looks of a more cunning and sanctimonious rival, — or the moistened eye of a pitying relative, — he may not turn away to the right side nor to the left ; he may not raise his hands to hide his blushes, or hardly to wipe the tears from his swimming eyes ; for he is a State convict, — he is in a State pillory, — the visitors have paid the price of the exhibition, and have a right to scan him from top to toe !

* There were over six thousand visitors to the Massachusetts State Prison the last year.

It is a mockery to say that this shame will be felt by few,—that the great majority of convicts care nothing about it,—nay, that they even like it; *for it is this very system of exposure that has helped to harden them.*

Nor can it be urged that the spectacle is necessary to serve as a warning to others, for all experience shows the contrary. It used to be said that the heads and limbs of convicts should be exposed upon the city walls,—that their bones must be hung to bleach in chains,—that their faces must be exposed in the pillory,—that they must be executed before the multitude; and all for the poor people's terror and reformation! Governments in civilized countries have been gradually driven, reluctantly enough, from such abominations; but we of Massachusetts still cling to our prison exhibitions, as little doubting their excellence as our fathers doubted the excellence of the *cutty stool*, the pillory, or the whipping-post. As for the common argument, that such exhibitions are very useful, because the public eye prevents the officers from abusing their power; in the first place, they do not do so, as the late murderous infliction of lashes at Auburn proves; and in the second place, if they did prevent abuses, the government has no right to perform an imperative duty by adopting a method which is profitable to itself, but degrading to the prisoner, *if another can be found which will be beneficial to him, though it be more expensive.* But the fact is, that this practice of exposure to the public, though not an absolutely essential feature of the Congregate system, has become part and parcel of it, because the system is so liable to be abused by those who administer it. This liability, in fact, perpetuates other practices which are contrary to sound reason and true humanity.

How different is the situation of a prisoner under the Separate system! There the remaining sense of shame, or self-reproach, or pride, call it what you may, is carefully cultivated as an element of reformation. Upon first entering the prison, he is led along, with his head covered by a hood, until he reaches the cell assigned to him, without

seeing or being seen by another prisoner. He now receives a number, and his name is mentioned no more, — it may be that his very officer does not know it. He is supplied with food, and, when he is tired of idleness and asks for work, work is given to him. He is furnished with books, and he is visited several times every day by the keeper, the warden, the instructer, or the physician. But he goes not out of that cell, except into his little adjoining yard, or to work alone in the garden, during the long years he may be confined, nor does he see the face of a prisoner in all that time. The public are freely admitted, without fee ; but they can only walk up and down the corridor between the cells ; they see no prisoner, unless they be persons of known character, — *nor even then, if the prisoner exercises his right, and objects to receiving the visit.*

Will any one say that this is not better for an unfortunate criminal than our system of exhibition ? has he not a better chance to save himself from perdition ? should we not prefer such a system for an erring but beloved son or brother, — and are not the convicts at Charlestown our brethren ? As for the effects upon the public, none can doubt that the seclusion is better, except those who suppose that the moral effects of public executions are good, and prefer that men should be hanged upon the open common rather than in the privacy of the jail-yard.

The Separate System prevents the Convicts from being known to each other.

In contrasting the moral effects of the discipline of the two systems, the Separate system has one advantage over its rival, so great and so obvious, that we hardly need to allude to it ; it is the fact, that a prisoner may pass through the whole time of his probation, not only unspotted * by contact with other convicts, but **PERSONALLY UNKNOWN TO THEM.**

* We may learn much by the *cant words* whose force and truth give them currency. The class of men who live by dishonest means have many

There is one fact, among hundreds of others, which cannot be too often repeated. The late Warden of the prison in Philadelphia saw one day three laborers at work together upon the public quays, in whom he at once recognized three of his former prisoners ; and he ascertained afterwards that no one of them knew the fact of the other's imprisonment.

The advantage of this is felt by the convicts in Separate-system prisons. Those with whom we have conversed have all admitted, that, much as they longed for society, they knew that it would be disadvantageous for them to have the company of other prisoners. But how does this accord (cry the advocates of the Congregate system) with what you before admitted, that these very prisoners will try to talk through their walls with each other ? It accords perfectly, for men will often do what their sober judgment tells them is injurious to their best interests.

How much more fortunate is the situation of those three discharged convicts above alluded to than that of many a man who has passed through a Congregate prison, and fled far away from its neighbourhood, determined to lead a new life ! He sought some secluded village, and tried to earn an honest livelihood and an honest name ; but, just as he was rising in the general esteem and in his own, there came along one of his prison comrades, who threatened him with exposure, extorted money from him, went away, but returned again, like his evil genius, again to fleece him, and finally drove him to despair and crime.

This is not fancy, it is an oft recurring fact ; and yet the adversaries of the Separate system make light of it, and say that the exposure of a man in court, upon his trial, pre-

words current among them, by which much light is thrown upon the real value of prison discipline. Among others, they have the word *spotted*, to signify one who is *known* to have been a convict in a state prison. This they consider a misfortune, not only on account of the loss of character, but because it gives the *unspotted* rogues a great advantage over them. A spotted thief is more easily made a tool of by others than an unspotted one.

cludes all possibility of his remaining unknown. But this mode of disparaging an unquestionable merit shows how violent has been the party feeling which has characterized the discussions of this subject.

Let us contrast the situation of two young men who are arrested for the first time by the hand of justice, in the commencement of their career of vice. One is tried in open court and convicted, and his person becomes known to fifty or even a hundred individuals. He is then shut up in a prison upon the Separate system, and for ten or twelve years, perhaps, is seen no more by any one but his keepers, and persons of virtuous character, who take an interest in his fate. At last he leaves the prison, changed in outward appearance at least, and if he is changed in his inward character and resolutions, he naturally will strive to conceal, even from his own eyes, his identity with the convict sentenced so many years ago. He may begin life again, and gradually win a character, without fearing that it will be destroyed, or his yet feeble virtue shaken by the taunts or the temptations of his prison companions.

Another young man is tried, with equal publicity, in open court, and condemned to a Congregate prison. There he is to spend ten or twelve years, exposed to the gaze of thousands of visitors every year, and he is to be in company with five hundred convicts, most of whom will see him every day, and at last become intimately acquainted with his person, and familiar with every line of his countenance, so as to be able ever after to recognize him under any garb, or in any circumstances. Now, suppose the average sentence of the convicts is four years, there will have been fifteen hundred convicts in prison with the young man, during the twelve years of his confinement. We say nothing here of the natural and almost irresistible tendency which our young man would feel to yield to despair, and consider himself as one of them for ever; but we will suppose that he resists these evil influences, and leaves the prison determined to lead an

honest life. Is there not a fearful odds against his remaining unknown and unmolested by those fifteen hundred keen-eyed rogues, whose wandering and predatory nature leads them to every corner of the land? Is it not a well known and a fearful thing, that the spirit of proselytism is very strong in vice; that criminals love to pull down others, and especially their old companions, to their own dreary level? And could our young man escape them? If he should bury himself in the Western wilds, he would be afraid to light his cottage fire, lest the smoke should attract towards his dwelling one of those vultures, who scent their prey from afar, and who might rob him of his hard-earned gains, or, what is worse, of his hard-earned name.

We are aware that some advocates of the Congregate system not only deny that it is a disadvantage to the convict to be known, but they inculcate upon him, when he leaves the prison, never to attempt to conceal the fact of his imprisonment. This, it appears to us, is not only submitting the convict's virtue to an over severe trial, but it is expecting a moral heroism which few of his counsellors themselves possess. Is there not among his Sunday-school teachers and preachers some one, who, when a youth, indulged in hidden sin, or practised some secret vice, known only to God and himself, for which he expects Heaven's forgiveness, and of which he longs for his own forgetfulness? And does he come forward and avow to others his former sin? does he confess it to the convict whom he is advising never to conceal the fact of his being a "prison bird"? If he does not, then he is not true to his doctrine. It would be a higher and nobler morality to disregard the world's prejudices, and to scorn all concealment; but it is a morality which we should preach in vain to most prisoners. We would inculcate upon them perfect openness towards any person who might be disposed to confide any trust to them, which would be withheld if their imprisonment were known; but we would

not require, especially of the weaker, a useless proclamation of their former guilt. The time may come when the morality of convicts and the charity of society shall both be so far advanced as to render this course advisable, but it seems to us that as yet it is not. Be that as it may, however, there still remains to the prisoner under the Separate system the advantage of being unknown to other criminals, and of remaining so if he chooses.

Comparative Value of the Habits of Industry under the Two Systems.

Another most important instrument in the reformation of a convict is THE INSTRUCTION WHICH HE RECEIVES IN SOME HANDICRAFT, AND THE HABITS OF INDUSTRY WHICH HE FORMS.

It is clear, that, under each system, the prisoner receives a great advantage from the knowledge of a trade; but in order to profit by it after he leaves the prison, he must have formed industrious habits to which he will cling in after life. Now, there is this important difference between the two systems, that under the one the labor is comparatively *voluntary*, under the other it is *compulsory*.

It is usual to condemn a man to solitary confinement during a few of the first days of his imprisonment in a Congregate prison; he is then led out to the common shop, and required to work industriously all the time from sunrise to sunset. He cannot be left in his cell, because it is not large enough for a habitation during the day; and he cannot be left idle a moment in the shop for obvious reasons. In fact, many of the boasted advantages of the Congregate system arise from the enforcement of hard and constant manual labor. The discipline, the security, the economy in the number of officers, the amount of the earnings of the prison, all depend upon the fact of the convicts' being busily employed all the time; it is by this means that it earns so much money, and wins so much favor. Under the Separate system, the labor may be voluntary; the prisoner may work, or may be idle; he may put down his tools, and take

up a book ; if he is idle, he injures no one but himself. The beauty of the system, however, is, that all prisoners call for work within a few days after their entrance ; and there is never any difficulty in keeping them industriously employed. In the Eastern Penitentiary of Pennsylvania, they have a certain sum allowed them for all the work they do over a certain task, and this is placed to their credit, and paid when they go out. If any one reads too much and works too little, his books are taken away, and this is a punishment ; if he is still idle, his officer and instrueter, and other visitors, may deny him their company, and this is usually found sufficient to excite him to industry.

Thus we see, that, if it should become necessary to enforce labor under the Separate system, it may be done leisurely, and by *privation of certain privileges* ; while under the Congregate system it must be done at once, and by *positive infliction of some penalty* ; for, be it remembered, the men working together must be kept busily employed, or they will talk and be in mischief ; while men confined in separate rooms may safely be left in idleness until they are sick of it.

Under the Separate system, then, men have an opportunity *every day* of knowing how much pleasanter labor is than idleness, and will in time form a voluntary habit of work. Under the Congregate system, a man is made to desire labor only during the first few days of his "solitary," and whenever he is condemned to it for any misdemeanour ; every other day of his prison life he feels that he is coerced to labor, and he is naturally less inclined to it on that account.

As far as the moral effects of labor contribute to a man's reformation, the Separate system, then, seems to us far superior to the Congregate. In treating of the other moral effects of the discipline of the two systems, we shall consider, — First, Which requires the least forcible interference with the prisoner's actions, — which can best dispense with corporal punishment, and allow him to form habits of self-

control. Second, Which is most capable of adaptation to his individual character. Third, Which is best adapted to cultivate kind relations between the prisoner and his keepers and teachers.

Which System requires the least possible Interference with the Prisoner's Actions, and leaves him the greatest Degree of Self-control?

This is a very important consideration. There is in every human being a tendency to separate individuality,— to a certain degree of independent moral existence. As he emerges from childhood, this tendency begins to manifest itself by his instinctive reluctance to yield blind obedience to others ; it grows stronger every day, as he grows older ; he aspires more and more to be a free moral agent, and an independent man. The child's desire to stand erect, to quit the apron-string, and finally to walk firmly without support, is not stronger in his physical nature, than is the tendency to independent individualism in his moral nature ; and one of the most difficult things in education is to cultivate this tendency in a due degree. If a child be allowed to walk before its bones are sufficiently hardened, its limbs will afterwards be crooked, and its body rickety ; if it be carried too long in arms, its muscles will be weak, and its system undeveloped. So in the training of this tendency to individualism ; if it is encouraged too soon and too much, then early self-assurance follows, unaccompanied by the power of self-guidance ; if it is repressed too much and too long, then diffidence and want of self-reliance are the consequences. This difficulty is much increased by the fact, that the tendency to individualism, though inherent in every child, is not alike in any two ; hence the superiority of private over public moral training ; and hence the superiority in this respect of a prison upon the Separate system, where the moral treatment may be adapted to the individual character, over one upon the Congregate system, where the men are treated in masses.

But, however it may have been trained, we find this independent individualism, with its desire of self-control, fully developed in the inmates of our prisons; and though it is a common maxim, that we must "subdue this stubborn spirit," we must "break the man's will," we must "enforce obedience," it will be found that all attempts to do so by direct force and by physical pain are unwise and unavailing. They either crush all manliness, and destroy the very feelings on which we must rest our hope of reform, or they excite grief, anger, hatred, and thirst of vengeance, according to the strength and activity of the animal nature of the individual.

People generally admire the strict discipline, the military precision of manœuvres, and the instantaneous obedience to every order, which are seen in some Congregate prisons; but it seems to us that these are obtained at the convict's expense, and *rather improve the character of the prison than the character of the prisoner*. The whole of this daily discipline, from the moment when the prisoners are paraded before their cell-doors in the morning, through all their marching and countermarching to the shop and to the chapel, and back again, with all its precise details, up to the moment when the convicts have entered their cells at night, and stand with their hands thrust through the grated doors, that the officer may know that every one is safely caged,—all these *enforced evolutions of grown-up men* tend to destroy the individuality of character, to lessen self-respect, and to degrade responsible beings into irresponsible machines. Be it remembered that these are full-grown men, and that all the details of their evolutions, and all the discipline of the shops, must be intrusted to subordinate officers, who must require implicit and immediate obedience. Such a course may break down the proud spirit, subdue the stubborn will, and enforce obedience; but it will, in ordinary hands, do so by extending the same iron rule over all, without regard to the peculiarities of their character, by crushing much that is good, and by with-

holding what is of more consequence than any thing else to the prisoner, the advantage of voluntary exercise and culture of self-government and self-elevation. Under the head of *forcible interference* with the prisoner's actions, we must consider the kind of punishment used under the two systems ; and in this respect there has been, and is, in this country, at least, a vast difference between the two systems.

Kinds of Punishment used and admissible under the Two Systems.

It is not our wish to draw comparisons between the practical working of different prisons, except where they depend essentially upon the principles of the system ; but the fact is too notorious to be passed over without comment, that, while the Pennsylvania penitentiaries have been for years administered without the use of corporal punishment, those of New York, and most others upon the Congregate system, have been governed by the lash. There is evidence that an improper and cruel instrument of torture was once used in Philadelphia, but it is beyond question, that, for many years, every thing of the kind has been disused, and only the mildest restraint imposed ; while, on the other hand, the Congregate prisons have ever resounded with the lash ; the bristling bayonet at Sing Sing still proclaims the reign of terror within, and the verdict of murder from the grand jury at Auburn is still ringing in our ears.

These are not solitary cases ; there is incontrovertible evidence that the most shocking flagellations have been very common in the great majority of Congregate prisons ; the Directors of the Sing Sing Prison, in their Report for 1844, candidly admit that in that prison "no other mode of punishment seems to be contemplated than the lash." * We could harrow up the feelings of every humane reader by a narration of the cruel and degrading discipline to which hundreds and thousands of our unfortunate brethren have

* Report to the Senate of New York, Doc. No. 20, 1844.

been and are subjected in the Congregate prisons of the country. Nay, we could show from the reports, and writings, and declarations of prison officers themselves, that the free and frequent use of the lash was considered essential to the discipline of the Congregate system. We can show from the writings of our Secretary, that it is necessary to give the power of immediate punishment to the officers, and then show from all history the strong tendency of this power to abuse.

But we are not disposed to do this; we are not disposed to go as far as many officers of Congregate prisons do, and to say that the use of the lash is essential to their administration: we have more confidence in the force of the principle of love; and we have the evidence of the Charlestown prison to show us, that, in the hands of benevolent men, the authority to punish corporally will not be abused.

But we do say, and most confidently, too, that a penitentiary filled with such convicts as are usually found in our State prisons cannot be administered upon the Congregate system without the free and frequent use of corporal punishment in some form, unless the great advantages which its friends claim for the system be abandoned. Is this questioned? and are we referred to Charlestown for an answer? We reply, that, *in the State prison of Massachusetts, the distinguishing features and the great advantages of the Congregate system are abandoned*, and avowedly so! What are its distinguishing features and great advantages? Let our Secretary speak. In his Third Report, when trying to correct some misapprehensions about the true nature of the Auburn prison, he says, with a view to precision, — “The definition [object] is, first, to seclude the criminals from their former associates, and to separate those of whom hopes might be entertained from those who are desperate. This is done in both prisons [Auburn and Ghent] by solitary confinement at night, with unbroken silence during the day.”* Now, if the words, to seclude

* Third Annual Report, p. 56.

and separate the men from each other by "unbroken silence during the day," be taken in their literal sense, namely, that the men do not talk, even then they cannot apply to the discipline of the Charlestown prison; but if they be taken in their ordinary sense, simply that the men do not communicate by any signs, it would be absurd to use them in speaking of that discipline. We have the evidence of our own senses, and the evidence of more frequent visitors than ourselves, and the evidence of prisoners, to prove that the men are not only perfectly familiar with each other's persons and characters, but that they communicate daily and hourly with each other. Nay, we have been told by the Warden himself, that he considered it impossible to prevent the men from communicating with each other while they work together, and that he should not consider it desirable to do so, even if it were possible. We say, then, that in the Charlestown State prison the distinguishing features and the great moral advantages of the Congregate system have been abandoned, and we believe that they have been abandoned because it was found impossible to retain them without a severity of discipline, and a frequency of flagellation, which would have been too cruel to be permitted in a community like ours.

In saying this, we intend not to detract from the merits of the present Warden; we have known the prison during the last twelve years, and we consider it to be in a far more satisfactory condition, in most respects, than we have ever known it before. Nay, we believe it to be superior, in most respects, to any Congregate prison in the United States. This superiority arises, as far as we can perceive, from the spirit of kindness with which the Warden regards the prisoners, which spirit has pervaded the corps of officers, and begotten more of the confidence and good-will of the convicts. The discipline is lax, but, if it can be continued without danger of revolt, it is vastly better than that of Auburn or Sing Sing, or any Congregate prison in the

country, because it is administered by appeals to higher feelings than base fears.

In bearing this voluntary testimony in favor of the officers of the Charlestown State prison, we cannot help expressing our regret that they have not an opportunity of exercising their skill and kindness in the reformation of good prisoners, without the disturbing influence of the bad. There are in that prison second, third, and fourth comers, who may therefore be considered almost incorrigible ; and though we will not say, in the language of our Society's Second Report, that "*in this community of villains intercourse is without restraint*,"* — for we do not like the harshness of the term, — yet we do say, in the language of that same Report, that there are many veterans in crime who form acquaintance with young convicts. "Of course, they readily communicate the history of years to their young admirers, and through them this deadly poison to the extremities of the State." "Many of these men have been associated with gangs of counterfeiters, and are acquainted with their names, residence, principles of trade, language, and mode of operation. They can, of course, introduce their young pupils, when they leave the prison, to this world of iniquity. Many of the men living in society, who are engaged in this traffic, are not suspected, — they deal in this article on a large scale, and employ trusty runners who are more likely to be detected than their employers."† The Report then went on to prove, what was undoubtedly true, that about seven hundred convicts in Maine, New Hampshire, Vermont, and Massachusetts, about nine hundred in New York, about twice as many more in the States south and west, were admitted to an uninterrupted intercourse with a community in which were teachers thoroughly acquainted with the art of counterfeiting money.‡ Now, if this was true in 1827, — if we consider how much

* Second Report of the Boston Prison Discipline Society, p. 10.

† Ibid., p. 13. ‡ Ibid., pp. 13, 14.

the community of counterfeiters has extended, — if we consider that the same is true of thieves, housebreakers, and criminals of various kinds, we cannot but wish that the kind and efficient officers of our State prison had the means of guarding the young and comparatively innocent prisoners from the evil eye and contaminating presence of old and professional criminals ; that is to say, we wish they had the management of a prison upon the Separate system.*

But to return from this digression, and to resume the subject of *intramural punishment*. To say nothing of the admitted fact, that the punishments in the principal Congregate prisons have always been very severe, and sometimes bloody, while those under the Separate system have been comparatively light, — it is clear, from the very nature of things, that a single helpless man, shut up in a cell, is less apt to feel rebellious than one at work in company with hundreds of comrades in crime. It is clear that he may be reasoned with, that his punishment may be delayed, that it may be omitted if he repent ; but in a Congregate prison, insubordination, or a violation of any rule, must be punished upon the spot, while the officer and the offender are still under the influence of excited feelings.

* We speak not here of the House of Correction at South Boston, because it does not usually contain prisoners of such desperate character as State prisons. The sentences, too, are short, and the temptation to insubordination consequently less. The discipline, order, and neatness of that establishment are equal to those of any prison in the world. They are not, however, and cannot be, maintained by an appeal to so high motives, nor by such reformatory treatment, as could be adopted were it a Separate-system prison. The assertion that has so often been made, that this prison has been managed many years without corporal punishment, conveys a wrong impression to many minds. Until quite recently, a shower-bath, or water-bolt, was in common use as a mode of punishment ; and so tremendous was its shock, that it was more dreaded than the lash. We do not think that its physical effects were as bad as they have been represented ; and we believe that its disuse was demanded rather by fear of public censure, than by a conviction of its impropriety ; still, it was a very severe form of corporal punishment.

It seems manifest, then, that, under the Separate system, there may be less forcible interference with the prisoner's conduct; corporal punishment may be more easily dispensed with, and the prisoner be left to form habits of self-control. We would not be understood as saying that the Eastern Penitentiary of Pennsylvania does allow the prisoner sufficient opportunity of self-control, or such training and exercise of his moral nature as will enable him to resist temptation when he goes out, for we do not believe it can be said of any prison in the world. This is the great question which as yet remains unanswered,— How shall we, consistently with the security of the prisoner, allow him such opportunity of freedom of action as will enable him, by *actual exercise of self-control*, to prepare for resistance to the great temptations that will assail him when he leaves the prison? Experience tells us that sincere resolutions are formed, and that unaffected religious feelings are entertained by many a prisoner, while his animal appetites are lessened by the temperance and continence of a prison life, and his moral sense is unobscured by temptations; but that the moment he goes out, and his system is excited by stimulating diet and drink and by vicious company, he breaks through his cobweb morality and his fancied religion, and returns to his wallowing.

But it is not our duty here to suggest the means of solving this great question; we have only to compare the two systems which are in actual existence, and before the Society; and we are constrained to say, *that, few and inadequate as are the opportunities for self-control and the exercise of good resolutions, under the Separate system, they are far greater than under its rival.*

Which System offers the best Means of adapting its Discipline to the Individual Character of the Prisoner?

This is an important question, and we shall consider it in regard to its bearing, first, upon the physical well-being of the prisoner, and, second, upon his moral and religious nature.

The Congregate system treats its prisoners in masses ; the Separate system treats them as individuals. Labor is unquestionably good for all men, but no two need precisely the same degree of it. One man may work advantageously twelve hours in twenty-four ; another, not more than eight. One man may work very hard from sun to sun ; another can bear only light work. One may be able to give close and undivided attention to his work ; another, from the very constitution of his mind, may be unable to do so.

Now, under the Separate system, each individual may be allowed to work a longer or shorter time, with greater or less severity, with more or less closeness of application, as will best promote his real good. But under the Congregate system, all must march out to the shops at the same time, all must work the whole day, all must give undivided attention to their tasks. There is no departure from this, without a departure from the principles of the system ; the men cannot be sent back to their cells when fatigued, for the cells are constructed with a view only to being dormitories, and the discipline of the prison is arranged with a view to their being unoccupied all the day.

Which System can best adapt itself to the Prisoner's peculiar Character, in its Appeals to his Moral and Religious Nature ?

Under the Congregate system, the principal direct means of moral and religious influence over the prisoners are, habits of sobriety and labor, morning and evening prayers, Sunday sermons in the chapel, and reading the Bible and other good books ; in all these, except the last, it acts upon men as masses, and not as individuals having each one a peculiar character. The Separate system treats them as individuals, and allows opportunities of addressing to each one such appeals as will be most likely to affect his peculiar mind and character.

The labor and cost of moral and religious teaching are far greater under the Separate than under the Congregate sys-

tem, but they are likewise more efficacious. A moral and religious instructor can do more in ten minutes in a private interview with a criminal whose confidence he has gained, than by an hour's *preaching at him* in a congregation,—especially if the criminal feels, as he is apt to do in a congregation of convicts, that he is not a particularly wicked sinner.

Great credit has been claimed for the Congregate system because it affords the opportunity of chapel and Sunday worship in common, while the Separate system does not. But, in the first place, this is not strictly true ; the model prison at Pentonville has a chapel, in which the prisoners assemble, but it is so contrived that each man sits in a sort of sentry-box, or small upright pew, so that he can see no one but the chaplain ; and in the Pennsylvania Penitentiary there is preaching every Sunday in one of the corridors, and, by additional expense, there may be in all. In this, as in many other respects, then, the Congregate system obtains its advantage only by a sort of labor-saving process,—acting upon masses, not upon individuals.

In the second place, the advantage of public worship in prisons, great as it is, has been much overrated. The good to be obtained by grown men from attendance on any public worship *depends very much upon its being voluntary*. Compulsion is always disagreeable, even when it forces us to do the very thing we might have liked to do if left free. A man who is forced to go into a chapel or a church is very apt to feel that the doctrines taught in it are forced upon him.

We confess, therefore, that we much prefer the mode of public worship adopted in the Separate-system prisons to that which is *enforced* under the Congregate system, where the men are brought out of their cells by word of command, and marched in military order to the chapel, whether they wish to go or not. In the former, the preacher begins his address at one end of the corridor, and the prisoners are at liberty to approach the doors of their cells and listen to

what he says, or to keep away and occupy themselves with reading. It is at their option to join the worship or not; they exercise in this the power of self-control; and it is most delightful to find that they almost always do hearken very attentively, and that, when the hymn of praise is sounded from one end, the air is taken up throughout the corridor, and out of almost every cell there issues a strain of *voluntary music*, from the softened heart of an unseen chorister.

Is it reasonable to suppose that merely *seeing the face of other criminals* would increase the devotional feeling of those hermit worshippers? And has the system of Congregate worship any other advantage? Will the miserable one of *economy* be used here, too? Economy of the bread of life! Economy of words of comfort and joy! Suppose there must be six preachers, would they not be found in Boston? If the consecrated teachers could not leave their other duties, to stand upon the stone floor and preach to caged convicts, why, the very laymen would do it; and if enough of them were not found, there are laywomen, ever ready with their unobtrusive benevolence to make up for man's short-coming. One of the pleasantest sounds that ever greeted our ears was on a Sabbath day, while sitting and conversing with a convict in his cell, at Philadelphia. There was at first a low and gentle sound, as of an *Æolian harp*, which presently gathered strength and distinctness, and in a moment took the form of the beautiful words of the twenty-third Psalm; and as it flowed on, the air seemed filled with the religious music of an unseen spirit; and when the sweet strain was ended, the prisoner looked up and said, — “It is *Miss Dix!*”

Far be it from us to deny the good effects of public worship as it is practised in the Congregate prisons, for we have sometimes witnessed in their chapels an earnestness of attention, and a devotional appearance, that would befit the most pious congregation. We know also, that, when the preacher once creates a glow of feeling in his hearers, the effect is

increased by secret action of sympathy among them ; and that piety, like panic, may be heightened by a crowd. But it is only the gifted preachers who can carry away such an audience by their earnest eloquence, and they only for a few moments. Such excitements are unfrequent and short-lived ; and be it not forgotten, that all the rest of the time this very activity of the social nature, this very sympathy among the hearers, operates, *with a great many, directly against* any feeling of penitence. Many an address, which would go home to the conscience and the heart of a solitary man, convincing him of the peculiar enormity of his sin, and melting him to penitence, will fall unheeded on his ears when he looks around and sees the whole audience made up of criminals, each of whom he supposes to be more guilty than himself, because he does not make for their crimes the same excuse as for his own.

Who can doubt that the vivid descriptions of the horrors of hell, which usually produce so little impression upon a crowded church, would carry terror and despair to each individual, if the enormity of his past guilt were not lessened in his eye by consciousness of community in sin with those about him, and his dread of the future diminished by the thought of their society in his place of punishment ? Would he not more surely repent of the past, and more carefully avoid the future, if he felt that he was cut off in this life from all sight, and hearing, and knowledge of his fellow-sinners, and that in the next his hell would be one of solitary confinement ?

We would not be understood as expressing an opinion about the propriety of addressing this class of feelings, even in convicts, but we maintain that these observations are not irrelevant to the subject. Indeed, this feeling of sympathy, of community in guilt, among the convicts, is one of the strongest obstacles to reform in the Congregate prisons, and one which the Separate system avoids almost entirely. We know that this is denied and will be denied by the advocates of the Congregate system ; but we confidently appeal

to every one conversant with the philosophy of mind for its truth. It is said that the men *know* that there are hundreds of criminals like themselves in a prison on the Separate system, and that the effects of sympathy and community in guilt will be the same ; but this is contrary to philosophy and common sense. Few minds, and least of all, those of the class from which criminals usually come, can put themselves in relations of sympathy with others, unless they are aided by the senses, — unless they see and hear them. Who is more lonely than the hermit in a city, though he may live in a block of houses, and be conscious that only eight inches of brick wall separate him from scenes of social mirth on either side of him ?

We will not, however, argue a point which is so clear, but we would, while upon this subject, urge strongly upon the friends of the prisoner one advantage which the Separate system offers for his reformation, which is far greater than weekly sermons and daily chapel services ; — we mean the frequent and almost hourly intercourse which he may have with his keeper, and teacher of work, who may be kind, intelligent, and religious men.

This, indeed, is a peculiar and great advantage of the system, that religious and moral instruction, adapted to the peculiar nature of the individual, may be instilled into him, not by an open attack upon his sins, not by formal discourses and sermons, but in the natural and ordinary intercourse of every day ; and this may be, not only through the influence of the keepers or teachers of work, but of other visitors. This advantage cannot be had in the Congregate prisons ; the rule of the shops is silence, and the officers and master-workmen say nothing more to the men than is necessary for the performance of the work. General communication cannot be allowed there ; and if the men are summoned away to their cells to talk with an officer or visitor, it looks at once like a premeditated lecture, and loses its effect.

The difference in this respect will be more apparent, if any one will divest his mind of prejudice, and consider, what we shall try to prove, that

The Separate System is, for all Moral and Intellectual Purposes, more truly Social in its Nature than the Congregate System.

There never was a greater misnomer than to call the Separate system a solitary system, and it is a misnomer which has created and which still keeps up a strong prejudice against it, as its enemies very well know.

What constitutes men social beings? Is it sleeping at night packed away in cells as closely as young bees in the comb, but as much separated? Is it marching together in silence, working in silence, eating in silence, and sitting close together in silence at devotions? Then were the silent ascetics of La Trappe more social than the prisoners at Auburn; for they were allowed, in passing each other, to break their dreary dumbness once in the day, and utter the words, "Remember death!" Then is the uneducated deaf-mute a more truly social being; for the inmate of a Congregate prison may not greet with a smile and a token of friendly regard his fellow-prisoners, while the poor dumb sufferer may show his feelings upon his speaking countenance.

No, it is not sight, but speech, that is the organ of social communion; it is not through the eye, but through the ear, that our social intercourse is carried on; and, though a man had as many eyes as Argus, it were better to have them all put out than to seal up his ears, if his object in life be intimate social communion and sympathy with those about him.

There is just enough social communion in a Congregate prison to assure the men of a community in guilt and a community in punishment, without enough for any good moral purposes. Indeed, the social intercourse which is permitted is not for any good effects upon the moral character of the prisoner, but partly with a view to the pecuniary advantage of labor in common, and partly with a view to preventing insanity.

There has been a false issue made upon this point in the public discussions, and the advocates of the Congregate system have obtained credit for the advantage of an arrangement which was made as a matter of necessity. It is a disadvantage and an evil for criminals to associate together. We have quoted the words of the Secretary of this Society, and other eminent friends of the system, to prove it ; and, as we have said, it is resorted to in order to avoid what they consider greater evils, — insanity from solitude, and expense of providing separate workshops ; and yet *this evil is paraded as in itself a good thing !* They claim for this community of labor the advantage which would certainly accrue to a criminal, if his companions in labor were kind, moral, and religious men. But if this social union of criminals be good, why strive so hard to confine it to the intercourse of the eye, why suppress the friendly signal, why choke the rising word, why forbid the only kind of language through which moral and religious impressions can be conveyed, namely, speech ?

The answer is plain. This social communion among bad men is bad ; enough of it only must be allowed to prevent certain worse evils ; and the only distinct interchange of thought and feeling which the men have, by signs or words, is made vicious by the very fact that it must be *done by stealth, and in violation of the law !*

Thus we see that the Congregate system aims at preventing social intercourse among the men, and it provides for no other, because at night they are locked up in their narrow cells. On the other hand, the Separate system checks no impulse of the social nature ; it encourages the prisoner to talk, — it only takes care that he talks not with bad men ; it invites him to give confidence and to indulge affection, but it introduces into his room such persons only as will have a good influence over him.

This leads us to another very important consideration, that of the

Moral Influence of Visitors in bringing about a Reform of the Prisoners.

We have frequently visited prisons upon both systems, and we appeal to others who have done so to say whether their visits were not more truly social, so far as regarded the convicts, in prisons upon the Separate, than in those upon the Congregate system.

The visiter to a Congregate prison goes into the shops and sees the prisoners at work, by scores and hundreds ; but he must see only their outward forms ; he must not speak to them, not even to give the courteous salutation with which every man should ever be ready to greet every other man ; he may not even exchange a glance of intelligence and sympathy, for non-intercourse is the law of the place. But when a person of known character visits a Separate-system prison, he may be introduced into the room of any prisoner who chooses to receive him, and, without the appearance of any particular effort, may carry to him comfort and encouragement. We say, *without the appearance of special effort* ; — and this is very important ; for in this way good men, even if they be reformed drunkards or repentant convicts, may be made important instruments for the reformation of the prisoner.

A little reflection will show that even the visiter will be more likely to become interested in the fate of prisoners under the Separate than under the Congregate system, and that an efficient corps of regular prison-visitors, for moral and religious instruction, will be more easily found for the former.

This is not mere fancy ; it is in accordance with well known principles of the human mind. The interest and the sympathy of the visiter are not so likely to be enlisted in any individual prisoner, by seeing a hundred of them working together, as it would be by close and familiar observation of one or two. Pity for the mass may be but a vague feeling, productive only of pain to the visiter, who

sees an amount of suffering too great for him to relieve ; while, if he should meet one individual of the mass, he might feel that to him he could be serviceable.

When Sterne would figure to himself the miseries of confinement, he was going to begin with the thought of all who were suffering under it ; but, says he, “ *Finding, however affecting the picture was, that I could not bring it near me, and that the multitude of sad groups in it did but distract me, I took a single captive ; and, having shut him up in his dungeon, I then looked through the twilight of his grated door to take his picture.* ”

Considerations like these will not be pronounced useless by those who reflect that one of the most important instruments for the reformation of prisoners is the number and character of the unofficial prison-visitors, who, living in the neighbourhood, may be induced to come regularly and periodically to converse with the convicts. Such persons will sometimes have far more influence over certain prisoners than the official visitors or the regular chaplain. There is sometimes a mysterious but certain influence of sympathy between particular individuals, which shows that nature leads us to the formation of attachments by other means than the intellectual perception of the worth of the object. The power of inspiring confidence and forming friendships is not given to any particular class of men, nor is it to be attained by a diploma of divinity. A visiter may go into a dozen different cells of a prison on the Separate system, without finding an individual in whom he takes especial interest ; but as soon as he enters the next, he may exclaim, **H**ere is one who interests me, whom I know I shall like, whom I can understand, and who will understand me ! And, on his part, the prisoner may experience a corresponding attraction toward the visiter, and feel an impulse to open to him a heart which he has kept stubbornly locked against all the appeals even of his religious teacher.

It may be said that the same good may be produced by such a regulation in the Congregate prisons as will allow the

prisoners to be taken from the shops into a private room, when any visiter comes ; but it will be seen at once that the very preparation for such an interview would be likely to prevent its good effects. There is that perversity in some men which leads them to suspect and to resist any direct and apparent attempt to reform them. But the visit to the convict in a prison on the Separate system may be as a matter of course ; the man is in his own room, — the conversation may take any turn that it will, and, if the visiter prolongs his stay, his host sees in that a compliment to himself. This is not mere theory ; some of us have visited, again and again, the most prominent Congregate prisons in the country, without having had an opportunity of knowing any thing of the individuals in it ; but in one short hour in one on the Separate system, we laid the foundation of friendly interest which may last for life.

Among the great number of visiter to the prison, there would be some who would take an interest in one prisoner, and some in another ; they could renew their visit at any time most convenient to themselves, for they cause no interruption to the regular routine of the prison. We cannot help thinking that such visits would be a most useful aid to those of the regular religious instrueter ; indeed, they might be made more important than his, for, unless he be a man of extraordinary powers of persuasion, he will always have to contend with the disadvantage of being considered by some prisoners as a *paid agent*, who preaches to them, and teaches them, as much in the discharge of a mere duty as from love to them.

Such are the general considerations which have led us to prefer the Separate to the Congregate system. But it may be replied, that, although in theory it seems best, in practice it is found to be inferior to its rival. We shall, therefore, examine some of the leading objections that have been made to it.

First, it is said to be more prejudicial to the health of the prisoner. Let us look at this, and consider

Which System is most conducive to the Physical Health of the Prisoner ?

Prisoners are generally of an age when men should be in good health ; if they are not, their illness must arise from, first, physical causes, or, second, from mental causes, or, third, from both combined. Let us suppose the prisoners in two prisons to be equally cleanly, equally well fed and clad, and engaged in healthy mechanical occupations ; in what other physical respects do they differ ?

The Congregate prisoners pass the night in very narrow cells, and the day in close workshops, traversing the yard several times, and being in the fresh air perhaps an hour daily. The convict in a Separate-system prison passes both night and day in a comparatively large room ; he has a yard adjacent to it, in which he may spend a portion of the time in the fresh air ; and there are gardens in which he may pass as much time as is necessary for his health. With the modern improvements in ventilation, the air may be, and we think is, kept as pure as it can be in the workshops of the prison, where so many men are congregated. Indeed, from a rough calculation, we infer that there is a less number of cubic feet of air for each prisoner in the workshops at Charlestown than for the prisoners in Philadelphia ; but this affects not the principle, for we suppose the ventilation to be perfect in each case.

The physical causes, then, are the same. How is it with the mental ones ? The prisoners under the Congregate system have a little less of monotony in their daily routine ; they pass from their cells to their shops, and their attention is more occupied by change of scene and of objects ; but if the recent improvements in the Eastern Penitentiary of Pennsylvania, by which a few prisoners are allowed to labor daily in the gardens, should be extended to all, and if the same improvements should be adopted in other Separate-system prisons, then the balance would be greatly in their favor. It may be said that the Congregate

prisoners do receive considerable mental stimulus, and considerable gratification of their social nature, by marching together and working together. This may be, and undoubtedly is so; but be it remembered that it is at the sacrifice of the principle of non-intercourse among the prisoners, on which the whole system is based.

We have seen that there is nothing in the Separate system which prevents the prisoners from having as much social communication with virtuous persons as is necessary for their mental health; if, therefore, it be true, as it is urged, that the per centage of mortality and insanity in the American Separate-system prisons is greater than in the Auburn prisons, **IT MUST BE THE FAULT OF THE ADMINISTRATION, AND NOT OF THE SYSTEM.** We doubt very much whether it is so; but one thing is certain, — that, where there are so many honest men engaged on each side, and where the advocates of each system claim the superiority of their respective prisons in these points of health and sanity, and where each party so confidently appeals to statistics in confirmation of its claims, there cannot be any great difference.*

The truth is, so high has party zeal run in this matter, that it is difficult to ascertain the true result of the experiments which have been tried in the different prisons. There are a few general facts, however, which are beyond cavil. The Congregate system *is* favorable to the physical health of prisoners; — the animal man thrives under it. It is equally certain, that, under the Separate system, as it has been administered, a tolerable degree of health may be enjoyed for many years, and better, probably, than the same men would enjoy out of its walls, while leading their usual life. If the system, as it has been administered in this country, does not keep up to so high a degree of health as the Congregate system, it certainly admits of such modifi-

* It is only for argument's sake that we admit that the mortality and insanity in the prisons in this country upon the Separate are greater than in those upon the Congregate system. It certainly has never been fairly shown in the labored attempts of our Society's Reports to prove it.

cations as will enable it to do so. The cultivation of gardens, recently introduced into the discipline of the Eastern Penitentiary of Pennsylvania, and the airing-grounds of the new model prison of London, will certainly be beneficial to the prisoners' health.

But it will be said, the statistics of the two systems, as administered in this country, are favorable to the Congregate system. We are constrained to say that very little reliance is to be placed upon the statistical tables which have appeared from time to time in the Annual Reports of our Society. There is irresistible evidence of undue partiality; and we know that zeal for a favorite system will warp even an honest mind. But besides the absence of strict impartiality of feeling, the statistics given in our Reports want that breadth of view, and the comprehensiveness of facts, which are essential to any correct inference.

There is no subject about which partial knowledge is more apt to lead one astray than that of criminal statistics. For instance, we find, upon consulting the *Compte Général de l'Administration de la Justice Criminelle*, that in one year, recently, there were over 160,000 persons arraigned for various crimes and offences, of which only fifty-seven were for adultery. Now, if we look at the criminal statistics of some of our own States, we shall find there were as many cases of adultery in about two millions of people as in the thirty millions of France; *ergo*, according to statistics, adultery is fifteen times more common in New England than in France, which is an absurdity. Or, if we find that the trials and convictions for adultery are now twice as common in France as they were fifty years since, shall we infer by statistics that the crime is twice as common,—or by common sense that it is growing more rare and is more detested, and that a man does not now take his wife's infidelity as a matter of course, but carries the matter to a court of justice? So it may be with the statistics of recommitments to different prisons; suppose we find, that, of one thousand convicts discharged from the penitentiaries of Pennsyl-

vania, only fifty are recommitted during the ten years subsequent to their discharge, while of one thousand discharged from the New York prisons there are sixty recommitted in the same time, shall we infer from such facts that the Pennsylvania discipline is the best calculated to deter from crime? By no manner of means, unless we first ascertain that all the other circumstances are equal; perhaps the police in New York is more vigilant, and arrests more of the old offenders; perhaps the laws against second offences are less severe in that State, and therefore less dreaded; perhaps the *business* of *thieving* was particularly flourishing there during those years, while it was suffering under a depression in Pennsylvania. Then we need to know whether the convicts came from a population of the same race of men, of the same general intelligence, of the same general moral character; all these and many other things are to be taken into consideration, before we can draw any valuable inference from statistical returns about recommittals.

We fear that the Society has not been accustomed to do this, and that it has often flattered itself that its favorite system was going on well, without any better foundation than sentences like this, taken from its Fourth Report:—“There is another class of facts, proving the same thing concerning the reformatory character of the Prison at Auburn. The recommittals in 1827, out of 427 [discharged prisoners], were only nineteen; and in 1829, out of 570, only seventeen.”*

Now, if one should draw any inference respecting the value of any system from a fact like this, he would be just as liable to make a wrong as a right one. It would be very difficult to ascertain the real value of the different elements of the calculation; but if one could do it, he might take the very statistical tables which have been annually published in our Reports as proof that the insanity and mortality were greater in the Philadelphia than in the Auburn prison, and

* See Fourth Report Pris. Disc. Soc., p. 24.

show from them directly the reverse. We do not say that this would be the case, but it might be, because we are certain that due consideration has not been given to all the elements of the calculation.

A large, a very large allowance should be made for the fact, that so great a proportion of the Philadelphia prisoners are drawn from the mulatto race, who cannot bear confinement like men of pure Saxon blood ; that the colored population whence they are drawn is a very degraded one, and addicted to those sexual excesses which lead particularly to cerebral derangement. Then there is the comparative duration of the sentences, the effect of the climate, the quality of the water, the nature of the occupation, — these and other elements must be accurately ascertained, before we can say what is the comparative insanity or mortality.

But, allowing for a moment that all the inferences from the statistical tables given in our Reports are correct, and that the insanity and mortality in the prisons upon the Separate system in this country have been much greater than in those on the Congregate system, still this would not decide the question of the comparative salubrity of the two systems. There are many prisons in Europe upon the Separate system, and if we should embrace them in our circle of statistics, it might show a balance the other way. We have consulted many European works upon the subject, and the conclusion seems to be irresistible, that the Separate system is at least as salubrious, for body and mind, as the Congregate system. We shall not go into a detail of these now, but refer those who take an interest in the subject to the valuable Reports made to the British, the French, and the Belgian governments, in all of which the assertion of the French Commissioner, De Metz, is confirmed. He said, *after examining both systems in this country, — “I may safely declare, that, even in this respect [effect upon health and temper], the discipline founded upon perfect separation of the prisoners can bear comparison with any system whatever.”*

Against all the reasonings of the respectable medical gentlemen of this Society who attempt to prove that the Separate system must be injurious to physical and mental health, we would quote the Report of a Commission of one of the highest and most scientific medical establishments in the world, namely, the French Academy of Medicine. At the request of the Inspector-general of Prisons in France, that Academy appointed as commissioners some of the most philosophical and experienced men in the medical profession. On that commission were such men as Louis, Villermé, Pariset, &c. ; and the Report, which was made by the illustrious Esquirol, closes with these remarkable words: — “ If the Commission were to express its opinion upon the preference which should be given to any penitentiary system, it would not hesitate to pronounce the Pennsylvania system the most favorable to reform. But the Commission is to pronounce only upon the salubrity of different systems ; and it is *convinced* that the Pennsylvania system, — that is to say, solitary and continuous *seclusion*, day and night, with labor, conversation with their officers and inspectors, — *does not shorten their lives*, and does not *endanger* [ne compromet pas] *their reason* ! ”

But let us waive all these high authorities, and reduce the matter to a bare appeal to common sense. The Separate system allows the prisoners to have as much social intercourse as is necessary for their physical and mental health, only it decrees that none of it shall be with convicts. Now, is it not absurd to argue, as some would seem to do, that, *unless this social intercourse is with convicts*, the men will die or go mad ? It really amounts to this ; and if all the medical authorities in the world, and all the statistics that have ever been gathered, should assert that the Separate-system prisons have made men mad by too much seclusion, we should simply reply, the system has been badly administered, and the remedy is easy, — *give more society to the prisoners*, — but let it be the society of the good.

If, then, as we firmly believe, the Separate system is

sound in its principles ; if it presents great advantages over its rival ; if, as seems to have been proved, it can be carried on with safety to health and reason ; then it is idle to dispute any longer about such questions as whether men do or do not talk through a wall, whether this or that particular prison is well administered or abused. We have had such disputes, and smaller ones, *usque ad nauseam* : they are distasteful, and they affect not the general principles ; they depend merely upon the administration. We have tried to avoid such incidental circumstances, and to examine principles and see how far they are reduceable to practice.

But, finally, it will be asked, If the Separate system is really so much superior to the Congregate system, why has the latter obtained such general favor ? This question will, however, no longer be asked by those who know the real state of the case in the most enlightened countries of Europe. There, as we shall show presently, the Separate system has found favor, and is rapidly gaining ground. If the question is asked with respect to the United States, we answer, that the causes of the greater prevalence of the Congregate system are these : — first, it is supposed to be cheaper ; second, it has been advocated by the only Society in the country which has funds, and an agent of zeal and ability, namely, this Society ; and, third, because it really is such an immense improvement on the old prison system which it superseded.

First, as to the expense. The original outlay of capital for the edifice must be greater in the Separate system ; that cannot be denied. The mechanical operations can be carried on to more profit where the men work in common. The officers and overseers and instructors may be less numerous and less expensive in the Congregate system ; less numerous, because they oversee companies, and deal with masses ; less expensive, because, having little moral relation with their men, they need not be persons of so high character. On the other hand, if, as we believe, the Separate

system inflicts a more severe punishment, — if it operates more quickly to deter from crime and persuade to virtue, then a very material diminution of the length of sentences may be made, and this would turn the tables at once in its favor.

But we are not inclined to press this point far, because the whole tendency of the discussion about the comparative economy of the two systems has had, among its other evil effects, that of tempting legislatures to decide in favor of the Congregate system, on the ground that it is cheaper. Such a motive is an unworthy one, and our Society should not appeal to it. Grant that the Separate system is more expensive ; nay, that the Congregate system may, and does, prove a source of income to the State ! What then ? One great object of prison discipline is to reform convicts ; and what should we say, if the directors of a hospital refused to give to patients the medicine most likely to save their lives, because it costs more than poorer drugs ? — and is the soul of less import than the body ? If a musket or cannon, or any warlike implement of a novel and more destructive quality, be adopted by one government, do not the others straightway throw aside the old one, and take up the new ? — and is it of more importance to destroy than to save ?

Shame upon such sordid arguments ! Thousands of convicts are made so in consequence of a faulty organization of society, — in consequence of ignorance and temptation ; many are made so in consequence of almost inevitable hereditary propensities, too strong for their control ; some ought, doubtless, to be considered as victims, and moral patients, rather than responsible beings ; they are thrown upon society as a sacred charge ; and that society is false to its trust, if it neglects any means for their reformation, especially if it refuses the necessary funds, while it has money to throw away on any pomp or pride, be it of peace or war.

We hold that the moment the earnings of a prison come up to its expense, then the severity of labor should be diminished, and more time be given to the convicts for intel-

lectual and moral instruction, for which extra teachers should be provided, until there be one for every ten or twelve men, if the funds will allow it ; and if the profits still increase, they should then be appropriated in some other way to the convict's improvement, and not tempt the cupidity of the State, and excite the prisoner's distrust of the motives of his imprisonment, by making his earnings seem a *bonus* upon legal convictions and the prolonged sentences.

Some may maintain that the State has a right to require of the convict to pay back, as far as possible, the expense to which he has put it by his depredations and by his trial. As a matter of abstract right, this may be so ; but it should be considered, that to require entire repayment would be to exact the pound of flesh which would draw with it every drop of blood from the body ; for, were a convict to live to the age of Methuselah, he could not pay back his full proportion of the cost of the vast machinery of justice. If this principle be acted upon at all, it should be administered in the spirit of the new dispensation, which forgives seventy times seven, and not in that of the old, which requires an eye for an eye and a tooth for a tooth. The convict should, at any rate, be able to lay up something for the day of his departure from the prison.

But to return to the subject,—the preference in this country for Congregate prisons. When a new prison is to be established, the edifice and the system of discipline are to be discussed and selected by a body of men who, however unfitted they may be for understanding any other merit of a system, can all appreciate that of economy. When, therefore, it is proved, as it can be, that a prison upon the Congregate system will pay its own way, the strongest argument has been urged in its favor ; and when it is added, as it may be with truth, that some State prisons pay several thousand dollars *per annum* net gain into the State treasury, what chance is there for the adoption of another system, which, however favorable it may be to the reformation of the prisoners, may require a tax for its support ?

The next reason why the Congregate system has found favor in this country is, that this Society has strenuously advocated it, and by its pecuniary resources, and by the whole moral influence of the names of its members, been instrumental in its propagation. When it is considered that this Society is the only one of its kind in the country that has the disposal of any considerable funds,—that its Reports have been the only regular publication upon the subject of Prison Discipline, until quite recently,—that those Reports have been prepared and the whole power of the Society directed by its agent, who has zealously advocated the Congregate system, and as zealously decried the Separate system.—it will be evident that we do not underrate the effect upon the public, some of whom know little, and many of whom care less, about the whole subject.

Far be it from us to disparage the merits of that officer. He has been a most important agent in a great work of reformation and improvement. He has helped to introduce the order, the sobriety, and the industry of the Congregate system into prisons which were once foul dens of corruption. But while we recognize the importance of his labors and the honesty of his purpose, we are constrained to say that he has been led by zeal for a favorite system to underrate and decry a rival one, which, in our view, is vastly superior. Like all of us, he is liable to err; and, having once engaged in a partisan strife (for such has become the contest among the advocates of the two systems), his very zeal for the side which he espoused has made him blind to the merits of the other. It must be apparent to any impartial person who reads the Reports of our Society, that, instead of discussing the merits of the two systems upon the high ground of principle, they have harped upon the imperfections and short-comings of the penitentiaries of Pennsylvania, as though failures in their administration were decisive of the great question at issue. It is very probable that a want of familiarity with what has been done in Europe

has caused an undue importance to be given to the trial of the two systems in this country.

However we may dislike the principle of concentration of the whole power of a people in the hands of a few, we must confess, that, when that power is brought to bear upon great questions of science or humanity, its effects are as brilliant and satisfactory as they are rapid. When we reflect how much has been done towards collecting facts by this Society, with an income of \$3,000, and the agency of one man, who devoted his whole time to it, we can conceive what a great government, with immense funds at its disposal, can do, with the agency of scores of men of talents, learning, and zeal, whom it sets to work in every country. It is scarcely ten years since the governments of France and Great Britain began to bestow close attention to the subject of Prison Discipline. They selected as their agents men already distinguished for talent and learning, and, giving them ample means, bade them visit all the countries where any knowledge could be gained upon the subject, and, in their own time, give the result of their personal observations, with whatever valuable knowledge they could collect from the experience of others.

In Central Europe, the Prussian government, and some of the smaller German States, and even some of the Swiss Cantons, took measures to collect information upon the subject. In the North, Sweden began to demand light upon a subject which had long been discussed in Holland, and her king himself compiled a work upon it; and the young kingdom of Belgium has already discussed it thoroughly. Several of these governments sent commissioners to this country, to examine closely all our prisons; all of them obtained the most minute information that could be had, and it is undoubtedly true that at this moment there are more men in Europe who have a thorough knowledge of the condition and merits of the various prisons in the United States, than there are in this country. As an instance of the attention of the government of France to the

subject, it caused the question to be put to the Academy of Medicine, whether there was any thing in the Separate-system discipline that would be peculiarly injurious to the bodily or mental health of the prisoners. That body, perhaps the most learned and scientific in the world, employed some of its ablest heads in the solution of the question, and they (as we have said), after mature examination, pronounced that there was not. After the return of the various commissioners from this country to Europe, the subject of their mission was taken up in England, France, and Belgium, and made the topic of animated and prolonged discussion, especially in the French Chamber of Deputies.

Now, it is very remarkable, that, while this Society has been resting in the assurance that the system which it advocated was the best, all the foreign commissioners who have been sent here reported it to be very defective, and far inferior to its rival. While we were reading pages upon the superiority of the Congregate system, the people of the five most enlightened countries in Europe were reading the conclusions of their impartial, scientific men, upon its inferiority; and while we were rejoicing in the erection of two or three new prisons upon the Congregate system, as a proof of its final triumph and prevalence, the people of Europe were witnessing the erection of scores of prisons upon the Separate system.

The history of this revolution of opinion is well worthy of notice. The first French commissioners, Messieurs Beaumont and De Tocqueville, after careful comparison of the prisons in the United States, pronounced decidedly in favor of the Separate system, as administered in Philadelphia, and against the Auburn system. In the recent debate in the Chamber of Deputies, M. De Tocqueville expressed himself thus, in answer to the assertion, that the preference manifested in France for the Separate system was owing to his exertions: — “I defy any one to name a single subject which has been so long studied, by so many different

persons, in so persevering and practical a manner, as the question before us. Did the government, after having sent us to the United States, in 1831, rest there? Did it not, two years afterwards, send two other commissioners upon the same errand? Did not the British government, likewise, send commissioners with this object? Has not the Prussian government done the same thing? Is it not true, that all these commissioners, without exception, even those who left Europe opponents to the Separate system, after having examined the different systems upon the spot, brought home to their governments views precisely similar to ours? Have not the governments since then entered upon this course with all the knowledge they possessed, with all the experience they have gained, with all the light which could be furnished from every quarter?"

Again, this eminent statesman, who has such a rare combination of clear insight into principles, and practical knowledge of facts, who, without party feeling, and with a view only to truth, studied so long and intimately our prisons, says, — "Most of those who have gone to the United States to study prisons upon the spot have returned warm advocates of the Separate system, although before their departure they had conceived and even expressed opinions unfavorable to it; all have acknowledged its powerful effect upon the prisoners."

De Tocqueville alludes to a second commission. It seems, that, to make sure that all was right, the government sent M. De Metz, a few years later, and on his return he reported in these words: — "We declare that our preferences and our sympathies are for the system of Pennsylvania. In this system there are positive advantages for society, and positive advantages for the convict. Under it corruption is impossible; amendment is probable, and, in a great number of cases, certain." He goes on to enumerate many other advantages, and closes with these words: — "Such are the principal motives which have inclined us to

the system of Pennsylvania, which now has the sanction of time and experience." *

The Report of the Prussian commissioner is still more remarkable, for he had been an advocate of the Congregate system. He says of the Philadelphia Penitentiary :— "I declare frankly, that, after the knowledge which I have gained of the different prisons of Europe and America, none appears to me to allow so much equity and justice in the infliction of punishment, none presents so many chances of amendment of the criminal, as the Separate system, combined with the regular visits of the keepers, inspectors, preachers, teachers, and physicians. I say *chances of amendment*, — for all human efforts are limited, and ought as much as possible to ward off obstacles that may prevent the action of divine grace, which can alone effect a complete reform of the guilty. This opinion is the result of my observations during my sojourn in America, as well as of my studies and reflections since my return, although I went to America entertaining a preference for the Auburn system." †

The British commissioner, Mr. Crawford, made a most valuable Report, in which he advocates the Separate system. He says of the Eastern Penitentiary of Pennsylvania :— " Upon a careful review of every part of it, after seeing the whole, and examining a considerable number of the individuals confined in it, I have no hesitation in declaring my conviction, that its discipline is a safe and efficacious mode of prison management ; **THAT IT HAS NO UNFAVORABLE EFFECT UPON MIND OR HEALTH,**" &c. ‡ Again, he says, — " In America, the opponents of this system have produced very erroneous impressions by the publication of certain experiments, made a few years since, of solitude without labor ; statements which have been widely circu-

* Rapport sur les Penitencières des États Unis, p. 44, et suiv.

† Die Amerikanischen Besserungs Systeme. Leipzig, Brockhaus, 1837.

‡ Crawford's Report, pp. 14, 15

lated in England, to the great prejudice of solitary imprisonment of every description."

Another official Report may be cited, — that of the Commissioners appointed by the government of Lower Canada, who, after visiting our prisons, became convinced of the superiority of the Separate system, and close their Report by saying, — "Such are the considerations which have determined us to give the preference to the Pennsylvania system, although it is not so economical, and may even require considerable outlay in the beginning." *

These, we believe, are all the official Reports that have been made, except one to the government of Upper Canada, which we have not yet been able to procure. Now, when we consider that the commissioners of four governments, without any concert of action, some of them even opposed to the Separate system, have all come to the conclusion that it is superior to the Congregate system, we cannot help considering it most remarkable and important evidence upon the great subject for the consideration of which our Society was formed; and we cannot help regretting that it has not been spread upon the pages of our Reports.

Is it fair in our Society to assume, as it has done, that the Separate system is in every respect so inferior to the Congregate system, that it will not even consider the arguments in its favor? Is it modest to do so, when that system is advocated by another Society in this country, much older than ours, and comprehending among its active members many more men practically acquainted with the subject of prisons than does ours, and whose experience leads them to opposite conclusions? Is it wise to do so, when enlightened and disinterested foreigners, who are lifted above the *disturbing forces of sectional or party feelings*, all pronounce us wrong, and others right?

* Not having the original document, we retranslate it from the French translation.

Besides the mass of evidence furnished in favor of the Separate system by the special commissioners of the European governments, there is a vast amount of testimony in its favor given by unofficial travellers, and by authors who have written on the subject. Should we cite all the philosophical and practical writers upon the subject, who give their testimony in favor of the Separate system, we should frame a long catalogue ; but, after naming Professor Mittelmair, of Germany, and Lucas, of France, we should not know where to find another author of note who has written in favor of the Congregate system. We will not even give a list of the names of the first ; but there is one circumstance so significant of the importance in which the subject is held, so honorable too to humanity, that we must allude to it. The young king of Prussia, an absolute monarch of immense power, has paid great personal attention to the subject. He closely examined the model prison upon the Separate system, in England, and other prisons, and was so impressed with the superiority of the first, that, after consultation, he ordered four prisons upon the Separate system to be erected in his dominions. The king of Sweden, too, a man of clear head and kind heart, gave very close personal attention to the subject ; collected all the evidence he could from this country, and finally himself wrote a book upon it, — a book breathing a beautiful spirit of humanity, full of sound wisdom, and which warmly advocates the Separate system. But Europe furnishes other and stronger evidence in favor of the Separate system, than the written opinions of philosophers, practical men, and monarchs ; — there are, and have for years been, many prisons in full operation upon both systems ; those upon the Congregate system have been tried, and found wanting ; those upon the other have had great success.

We have thus presented some of the reasons which have inclined us to prefer the Separate to the Congregate system. If they are not as satisfactory to other minds as to our own, we trust they will have weight enough to ob-

tain for that system, what it never has had, a fair hearing before the Society. We are far from supposing that that system is perfect; on the contrary, we admit that no system yet adopted fully satisfies us.

The most important problem connected with Prison Discipline yet remains to be solved, namely, — How shall we give the prisoner sufficient opportunity for cultivating his moral and religious nature, by *actual exercise* of it? — how shall we strengthen his conscience, by giving such liberty as will really *call it into action by resisting temptation*? — how, in a word, shall we give him such free moral agency as will train him to self-command, without defeating the other great end of his confinement? It is very clear that we do not do it now; it is very clear that we cannot do it by merely increasing, ever so much, the present system of preachings, and exhortations, and denunciations: as well might we try to strengthen the muscular system by teaching physiology, by setting forth the importance of health, and by denunciations of the sin of neglecting it; the muscles will ever be feeble without actual exercise, and good resolutions will yield to the first strong temptation, unless conscience has first been *trained* to resist weak ones. The chaplains and religious visitors of prisons are very apt to build false hopes upon the appearance of penitence, and the expression of good resolutions by the prisoners; for, though these may be real and unaffected, they are rarely enduring.

While in confinement, the convicts are removed from temptation; and the simple diet and regular life of a prison lower the tone of their physical frame, and reduce the violence of their animal appetites and passions. In this condition they are more susceptible of moral and religious impressions, and they often become unaffectedly penitent. Those who have common sense will see that crime is poor policy, and form resolutions of amendment; those who are more imaginative have their feelings wrought upon, and pass through what is called a religious conversion.

But when they go out into the world, and are stimulated by excesses, then the dormant passions are aroused, like wild beasts from their lair, and the first temptation too often witnesses their fall. The exceptions to this are so rare, that prison-keepers, and persons most acquainted with convict-life, seldom have confidence in the reformation of adult criminals ; and, to a fearful extent, their skepticism is well founded. God is a righteous God, and will not reward a neglected childhood, an abused youth, and a criminal manhood, by after years of peaceful and religious enjoyment ; these cannot be bought by a compulsory course of good behaviour, nor by sudden pangs of remorse. But is the poor criminal to be abandoned, and left a prey to passions which will destroy him, body and soul ? By no means ; for, where the blind can be made to read, and the dumb to speak, and idiots elevated to the platform of humanity, it would be cowardice to despair of those who have all their senses and faculties in perfection.

It is not our duty to point out, in this Report, the modifications which are necessary in all our prisons, before they can hold out a reasonable prospect of reforming their unfortunate inmates ; but we may remark, in general, that what seems to be most wanted is the means of adapting the nature and duration of the punishment to the character and conduct of the criminal ; of exercising his power of self-control by a certain degree of independence of conduct ; in a word, of *training* as well as punishing.

When those means are amply provided, — when men shall be disposed to extend to the poor convict that forgiveness which they ask for their own daily sins, — when they shall show towards him a tithe of the charity and love which the Great Judge of all ever manifests towards them, — when there shall be a little of that joy upon earth over the sinner that repenteth, of which there is so much in heaven, — then, indeed, may we hope for the real reformation of many of the now despised and neglected inmates of our prisons.

Finally, we would respectfully recommend the adoption of the following Resolutions : —

Resolved, That this Society, being strictly a Prison Discipline Society, the whole of its efforts should be directed to the improvement of prisons, and of penal administration, to the exclusion of every other subject.

Resolved, That this Society is not, and ought not to be considered, the pledged advocate of the Auburn system, or of any other system now in existence, and that the pages of its Reports should set forth the merits and demerits of any and all systems of Prison Discipline.

Resolved, That we recognize the Directors of the Eastern Penitentiary of Pennsylvania as high-minded, honorable, and sincere fellow-laborers in the great cause of Prison Discipline.

Resolved, That, if any expressions of disrespect have appeared in our Reports, and justly given pain to our brethren, this Society sincerely regrets and apologizes for them.

All which is respectfully submitted.

S. G. HOWE.



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